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FEDERAL RESERVE SYSTEM

12 CFR Part 249

[Docket No. R–1514; Regulation WW]

RIN 7100 AE–32

Liquidity Coverage Ratio: Treatment of U.S. Municipal Securities as High-Quality Liquid Assets

AGENCY: Board of Governors of the Federal Reserve System

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a final rule that amends the Board's liquidity coverage ratio rule and modified liquidity coverage ratio rule (together, LCR rule) to include certain U.S. municipal securities as high-quality liquid assets (HQLA). This final rule includes as level 2B liquid assets under the LCR rule general obligation securities of a public sector entity (*i.e.*, securities backed by the full faith and credit of a U.S. state or municipality) that meet similar criteria as corporate debt securities that are included as level 2B liquid assets, subject to limitations that are intended to address the structure of the U.S. municipal securities market. The final rule applies to all Board-regulated institutions that are subject to the LCR rule: Bank holding companies, certain savings and loan holding companies, and state member banks that, in each case, have $250 billion or more in total consolidated assets or $10 billion or more in on-balance sheet foreign exposure; state member banks with $10 billion or more in total consolidated assets that are consolidated subsidiaries of bank holding companies described in the first instance; nonbank financial companies designated by the Financial Stability Oversight Council for Board supervision to which the Board has applied the LCR rule by separate rule or order; and bank holding companies and certain savings and loan holding companies, in each case with $50 billion or more in total consolidated assets, but that do not meet the thresholds described in the first through third instances, which are subject to the Board's modified liquidity coverage ratio rule.

DATES: *Effective Date:* July 1, 2016.

FOR FURTHER INFORMATION CONTACT: Gwendolyn Collins, Assistant Director, (202) 912–4311, Peter Clifford, Manager, (202) 785–6057, Adam S. Trost, Senior Supervisory Financial Analyst, (202) 452–3814, or J. Kevin Littler, Senior Supervisory Financial Analyst, (202) 475–6677, Risk Policy, Division of Banking Supervision and Regulation; Benjamin W. McDonough, Special Counsel, (202) 452–2036, Dafina Stewart, Counsel, (202) 452–3876, or Adam Cohen, Counsel, (202) 912–4658, Legal Division, Board of Governors of the Federal Reserve System, 20th and C Streets, Washington, DC 20551. For the hearing impaired only, Telecommunication Device for the Deaf (TDD), (202) 263–4869.

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I. Background and Overview

A. Background and Summary of the Proposed Rule

On May 28, 2015, the Board of Governors of the Federal Reserve System (Board) invited comment on a proposed rule (proposed rule) to allow Board-regulated institutions subject to the liquidity coverage ratio rule and modified liquidity coverage ratio rule (together, LCR rule)[1] to include certain U.S. general obligation municipal securities as high-quality liquid assets (HQLA).[2] The LCR rule, adopted by the Board, the Office of the Comptroller of the Currency (OCC), and the Federal Deposit Insurance Corporation (FDIC) (collectively, the agencies) in 2014,[3] is designed to promote the short-term resilience of the liquidity risk profile of large and internationally active banking organizations, and to further improve the measurement and management of liquidity risk, thereby improving the banking sector's ability to absorb shocks arising during periods of significant stress. The LCR rule requires a company to maintain an amount of HQLA (the numerator of the ratio)[4] that is no less than its total net cash outflow amount over a forward-looking 30 calendar-day period of significant stress (the denominator of the ratio).[5] Community banking organizations are not subject to the LCR rule.[6]

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[1] 12 CFR part 249.

[2] 80 FR 30383 (May 28, 2015).

[3] 79 FR 61440 (October 10, 2014).

[4] A company's HQLA amount for purposes of the LCR rule is calculated according to 12 CFR 249.21.

[5] A company's total net cash outflow amount for purposes of the LCR rule is calculated according to 12 CFR 249.30 or 249.63.

[6] The LCR rule applies to (1) bank holding companies, certain savings and loan holding companies, and depository institutions that, in each case, have $250 billion or more in total assets or $10 billion or more in on-balance sheet foreign exposure; (2) depository institutions with $10 billion or more in total consolidated assets that are consolidated subsidiaries of bank holding companies and savings and loan holding companies described in (1); (3) nonbank financial companies designated by the Financial Stability Oversight Council (Council) for Board supervision to which the Board has applied the LCR rule by separate rule or order; and (4) bank holding companies and certain savings and loan holding companies that, in

Continued

Under the LCR rule, asset classes that count as HQLA are those that have historically served as sources of liquidity in the United States, including during periods of significant stress. In identifying the asset classes that qualify as HQLA under the LCR rule, the agencies considered several factors, including an asset class's risk profile and characteristics of the market for the asset class (*e.g.,* the existence of active sale or repurchase markets at all times, significant diversity in market participants, and high trading volume). In addition, the agencies developed certain other criteria, such as operational requirements, that assets must meet for inclusion as eligible HQLA.[7]

The LCR rule divides HQLA into three categories of assets: Level 1, level 2A, and level 2B liquid assets. Specifically, level 1 liquid assets, which are the highest quality and most liquid assets, are limited to balances held at a Federal Reserve Bank and foreign central bank withdrawable reserves, all securities issued or unconditionally guaranteed as to timely payment of principal and interest by the U.S. Government, and certain highly liquid, high-credit-quality securities issued by or unconditionally guaranteed as to timely payment of principal and interest by a sovereign entity, certain international organizations, or certain multilateral development banks. Level 1 liquid assets may be included in a covered company's HQLA amount without limitation and without haircut.

Level 2A and 2B liquid assets have characteristics that are associated with being relatively stable and significant sources of liquidity, but not to the same degree as level 1 liquid assets. All level 2 liquid assets, including all level 2B liquid assets, must be liquid and readily marketable as defined in the LCR rule to be included as HQLA.[8] Level 2A liquid assets include certain obligations issued or guaranteed by a U.S. government-sponsored enterprise (GSE) and certain obligations issued or guaranteed by a sovereign entity or a multilateral development bank that are not eligible to be treated as level 1 liquid assets. Under the LCR rule, level 2A liquid assets are subject to a 15 percent haircut, and the aggregate amount of level 2A and level 2B liquid assets is limited to no more than 40 percent of a covered company's HQLA amount, as calculated under 12 CFR 249.21. Level 2B liquid assets, which are liquid assets that generally exhibit more volatility than level 2A liquid assets, are subject to a 50 percent haircut and may not exceed 15 percent of a covered company's HQLA amount. Under the LCR rule, level 2B liquid assets include certain corporate debt securities and certain common equity shares of publicly traded companies.

Other classes of assets, such as debt securities issued or guaranteed by a public sector entity (municipal securities), are not treated as HQLA under the LCR rule. The LCR rule defines a public sector entity to include any state, local authority, or other governmental subdivision below the U.S. sovereign entity level.[9] The **SUPPLEMENTARY INFORMATION** section to the LCR rule published October 10, 2014, stated that "[w]ith respect to municipal securities, the agencies have observed that the liquidity characteristics of municipal securities range significantly, and overall many municipal securities are not 'liquid and readily-marketable' in U.S. markets as defined in § ____.3 of the final rule." [10] Accordingly, the agencies did not include U.S. municipal securities as HQLA in the LCR rule. However, the Board continued to study the question of whether at least some U.S. municipal securities should be included as HQLA under some circumstances, and subsequently issued the proposed rule.

The proposed rule would have included as level 2B liquid assets under the LCR rule certain U.S. general obligation municipal securities that meet similar criteria as corporate debt securities that are included as level 2B liquid assets. The proposed rule also would have contained several criteria and limitations designed to ensure that U.S. general obligation municipal securities included as HQLA would be sufficiently liquid in times of stress. The proposed rule would have applied to all Board-regulated institutions that are subject to the LCR rule: (1) Bank holding companies, savings and loan holding companies without significant commercial or insurance operations, and state member banks that, in each case, have $250 billion or more in total consolidated assets or $10 billion or more in on-balance sheet foreign exposure; [11] (2) state member banks with $10 billion or more in total consolidated assets that are consolidated subsidiaries of bank holding companies subject to the LCR described in (1); (3) nonbank financial companies designated by the Council for Board supervision to which the Board has applied the LCR rule by separate rule or order; and (4) bank holding companies and certain savings and loan holding companies, in each case with $50 billion or more in total consolidated assets, but that do not meet the thresholds described in (1) through (3), which are subject to the Board's modified liquidity coverage ratio rule (together, Board-regulated covered companies).

The proposed rule and the final rule permit U.S. general obligation municipal securities that meet certain criteria to be counted as HQLA for purposes of the LCR rule, subject to certain limits.[12] Neither the proposed rule nor the final rule limit in any way, however, the amount or types of municipal securities that a Board-regulated covered company may hold for purposes other than complying with the LCR rule.

B. Overview of the Final Rule and Significant Changes From the Proposed Rule

The final rule amends the LCR rule to include certain U.S. municipal securities as HQLA. The final rule includes U.S. general obligation municipal securities as level 2B liquid assets if they meet certain criteria, some of which have been adjusted from the criteria in the proposed rule based on comments received. To qualify as HQLA under the final rule, the securities must be general obligations of public sector entities, which includes bonds or similar obligations that are backed by the full faith and credit of the public sector entities. U.S. municipal securities must also be "investment grade" under 12 CFR part 1 as of the calculation

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each case, have $50 billion or more in consolidated assets but that do not meet the thresholds described in (1) through (3), which are subject to the modified liquidity coverage ratio rule (collectively, covered companies). At this time, General Electric Capital Corporation is the only nonbank financial company designated by the Council for Board supervision to which the Board has applied the LCR rule. 80 FR 4411 (July 24, 2015).

[7] The LCR rule defines eligible HQLA as those high-quality liquid assets that meet the requirements set forth in 12 CFR 249.22.

[8] The liquid and readily marketable standard is defined in 12 CFR 249.3 and is discussed in section II.B.2 of the **SUPPLEMENTARY INFORMATION** section to the LCR rule published October 10, 2014. 79 FR 61440, 61451–52 (October 10, 2014).

[9] 12 CFR 249.3.

[10] 79 FR 61440, 61463.

[11] On-balance sheet foreign exposure equals total cross-border claims less claims with a head office or guarantor located in another country plus redistributed guaranteed amounts to the country of the head office or guarantor plus local country claims on local residents plus revaluation gains on foreign exchange and derivative transaction products, calculated in accordance with the Federal Financial Institutions Examination Council (FFIEC) 009 Country Exposure Report. 12 CFR 249.1(b)(1)(ii).

[12] A Board-regulated covered company that holds these securities in its consolidated subsidiaries, including those consolidated securities that are not regulated by the Board, may count the securities as HQLA for purposes of the LCR rule in accordance with 12 CFR 249.22(b)(3) and (4).

date,[13] and must be issued by an entity whose obligations have a proven record as a reliable source of liquidity in repurchase or sales markets during a period of significant stress. Under the final rule, U.S. municipal securities generally do not qualify as level 2B liquid assets if they are obligations of a financial sector entity or a consolidated subsidiary of a financial sector entity. This approach is consistent with the requirements imposed on corporate debt securities and publicly traded common equity shares that are included as level 2B liquid assets. Unlike the proposed rule and the LCR rule's treatment of other level 2B liquid assets, however, U.S. municipal securities that are insured by a bond insurer may count as level 2B liquid assets, so long as the underlying U.S. municipal security would otherwise qualify as HQLA without the insurance.

The proposed rule would have limited the amount of U.S. general obligation municipal securities a Board-regulated covered company could include in its HQLA amount based on the total amount of outstanding securities with the same CUSIP number and the average daily trading volume of U.S. general obligation municipal securities issued by a particular U.S. municipal issuer. The proposed rule would also have limited the percentage of the institution's total HQLA amount that could be comprised of U.S. municipal securities. Commenters opposed these limitations, arguing that U.S. municipal securities have similar risks and liquidity characteristics as other assets included in the HQLA amount that are not subject to these limitations. Instead of these limitations, commenters argued that the credit and liquidity characteristics of a U.S municipal security, such as credit quality, source of repayment, CUSIP size, and issuer size, should be considered in determining whether the security may be included in a company's HQLA amount. After considering comments on the proposed rule, the Board is retaining two and eliminating one of these proposed limitations in the final rule.

II. Inclusion of U.S. Municipal Securities as HQLA

The Board received 13 comments on the proposed rule from state and local government officials, trade organizations, public interest groups, and other interested parties. In addition, Board staff held meetings with members of the public, summaries of which are available on the Board's public Web site.[14] Although most commenters generally supported allowing Board-regulated covered companies to include certain liquid U.S. municipal securities as HQLA, they objected to the criteria and limitations on U.S. municipal securities in the proposed rule, stating that they would be overly restrictive. One commenter asserted that the cumulative impact of the restrictions imposed on U.S. municipal securities includable as HQLA would essentially negate the ability of a Board-regulated covered company to include U.S. municipal securities as HQLA. Another commenter suggested that the definition of HQLA is too narrow and concentrated on certain instruments, such as cash and U.S. Treasury securities, which could lead to market distortions such as constrictions in HQLA supply during times of financial stress as banks seek the same sources of HQLA. Although the criteria and limitations in the final rule will exclude certain U.S. municipal securities, these criteria and limitations are designed to include in the HQLA amount only those securities that have liquidity characteristics comparable to other level 2B liquid assets. In addition, the final rule expands the assets that Board-regulated covered companies may include as HQLA, which mitigates potential market distortions caused by the correlated market behavior discussed by the commenter.

One commenter opposed the inclusion of any U.S. municipal securities as HQLA because that commenter believed that U.S. municipal securities would be illiquid during periods of significant stress, which would weaken the effectiveness of the LCR Rule. Under the final rule, the criteria that must be met by, and limitations applied to, the U.S. municipal securities that are included in a Board-regulated covered company's HQLA amount ensures that those securities have a high potential to generate liquidity through monetization (sale or secured borrowing) during a period of significant stress. Thus, the effectiveness of the LCR rule will not be compromised by their inclusion as HQLA.

Many commenters also expressed a desire for the OCC and the FDIC to issue rules similar to the Board's proposed rule, in order to promote consistency in the regulation of banking organizations and to allow institutions not regulated by the Board to include U.S. municipal securities as HQLA. The final rule would apply only to Board-regulated covered companies.

A. Criteria for Inclusion of U.S. Municipal Securities as Level 2B Liquid Assets

Under the proposed rule, U.S. municipal securities would have been included as level 2B liquid assets. Commenters argued that U.S. municipal securities instead should be included as level 2A liquid assets because they have exhibited limited price volatility, particularly during the 2007–2009 financial crisis, high trading volumes, and deep and stable secured funding markets. Commenters also contended that many U.S. municipal securities are more liquid and more secure than foreign sovereign securities that may be counted as level 2A liquid assets under the LCR rule and other assets that are level 2B liquid assets, such as corporate bonds. Some commenters highlighted the difference between the treatment of certain U.S. municipal securities under the proposed rule and the treatment under the liquidity coverage ratio standard established by the Basel Committee on Banking Supervision (Basel III Liquidity Framework),[15] which includes municipal securities as level 2A liquid assets. A commenter expressed concern that the rule would create an international inconsistency that would disadvantage U.S. state and local government issuers due to the different treatment of municipal securities in the United States as compared to other jurisdictions.

Certain U.S. municipal securities may be more liquid than some securities that can be included as level 2A liquid assets under the LCR rule. However U.S. municipal securities as a class of assets are less liquid than the asset classes included as level 2A liquid assets under the LCR rule. For example, the daily trading volume of securities issued or guaranteed by U.S. GSEs far exceeds that of U.S. municipal securities. The LCR rule differs from the Basel III Liquidity Framework in the treatment of municipal securities because of differences in the regulation and structure of the U.S. municipal securities compared to municipal securities markets in foreign jurisdictions.

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[13] 12 CFR 1.2(d). In accordance with section 939A of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376, 1887 (2010) section 939A, codified at 15 U.S.C. 78o–7, the final rule does not rely on credit ratings as a standard of credit-worthiness. Rather, the final rule relies on an assessment by the Board-regulated covered company of the capacity of the issuer of the U.S. municipal security to meet its financial commitments.

[14] *See http://www.federalreserve.gov/newsevents/reform_systemic.htm.*

[15] Basel Committee on Banking Supervision, "Basel III: The Liquidity Coverage Ratio and liquidity risk monitoring tools" (January 2013), available at *http://www.bis.org/publ/bcbs238.htm.*

The proposed rule would have required U.S. municipal securities to be "liquid and readily marketable," as that term is defined in the LCR rule[16] for other level 2B liquid assets. To be liquid and readily marketable, a security must be traded in an active secondary market with more than two committed market makers, a large number of non-market maker participants on both the buying and selling sides of transactions, timely and observable market prices, and a high trading volume. Commenters asserted that most U.S. municipal securities would not meet the conditions specified in the LCR rule to be considered liquid and readily marketable, and therefore would not qualify as level 2B liquid assets under the proposed rule.

Consistent with the LCR rule's treatment of corporate securities, the final rule maintains that a U.S. municipal security may only be included as a level 2B liquid asset if it meets the liquid and readily marketable standard in the LCR rule. The final rule retains this requirement because it will aid in improving a Board-regulated covered company's resilience to liquidity risk by ensuring that U.S. municipal securities included as level 2B liquid assets are traded in deep, active markets, so a company can monetize them easily, even during periods of significant stress. This criterion applies equally to corporate debt securities, and is successfully being implemented by firms for purposes of the LCR. There is no special difficulty in applying this same criterion in the same manner to U.S. municipal securities.

Permitting certain U.S. municipal securities to be included as level 2B liquid assets recognizes that these securities, while not as liquid as a category as other types of HQLA, can serve as highly liquid assets within certain limits and if certain conditions are met.

1. U.S. General Obligation Municipal Securities

Under the proposed rule, a U.S. municipal security would have qualified as a level 2B liquid asset only if it was a general obligation of the issuing entity, which includes bonds or similar obligations that are backed by the full faith and credit of the issuing public sector entity. A revenue bond, which is an obligation that a public sector entity has committed to repay with proceeds from a specified revenue source, such as a project or utility system, rather than from general tax funds, would not have qualified as a level 2B liquid asset.

Commenters argued that revenue bonds have similar liquidity and volatility characteristics to general obligation bonds and therefore should not be treated differently under the final rule. Some commenters stated that the inclusion of revenue bonds would expand the universe of HQLA-eligible municipal bonds without impairing the objectives of the LCR rule. In addition, commenters contended that many revenue bonds are not dependent on a single project as a source of repayment, but are secured by multiple sources of repayment, such as revenues of multiple public entities, pools of assets backed by the full faith and credit of other public entities, or by other sources of tax revenues. One commenter argued that the value of corporate bonds, which are level 2B liquid assets, are tied to uncertain corporate revenues, which is similar to revenue bonds being tied to revenues of a specific project or projects.

An asset's credit quality is an important factor in its liquidity because market participants tend to be more willing to purchase higher credit quality assets, especially during stressed market conditions. During a period of significant stress, the credit quality of revenue bonds tends to deteriorate more significantly than general obligation bonds, and thus, the liquidity of revenue bonds is not as reliable as that of general obligation bonds during a period of market stress.[17] Revenue derived from one or more sources may fall dramatically as domestic consumption declines during a stress, and as the risk of default of any associated revenue bond increases, revenue bonds may experience significant price declines and become less liquid. On the other hand, general obligation bonds are less likely to experience significant price declines during a period of significant stress because they are backed by the general taxing authority of the issuing municipality and, therefore, are less likely to default in times of stress. In fact, historically, there have been a significantly higher number of defaults on revenue bonds than general obligation bonds.

Another commenter argued that revenue bonds should be included as HQLA because revenue bonds receive preferential treatment under chapter 9 of the U.S. Bankruptcy Code. Several commenters requested that the inclusion of U.S. municipal securities as HQLA be based on the issuer's total amount of outstanding debt and the issuer's credit rating, rather than support from the general taxing authority of the municipality. One commenter argued that the term "general obligation" is not universally understood and does not necessarily imply a greater level of security than the term "revenue obligation."

A revenue bond's treatment in bankruptcy, though a relevant consideration to its liquidity profile, does not necessarily indicate that the bond has sufficient liquidity for inclusion in a Board-regulated covered company's HQLA amount. During a period of significant stress, probability of default is considered along with the magnitude of the expected loss upon a default. As discussed above, without general taxing authority support, the market would likely be more concerned about the probability of default for a revenue bond as compared to a general obligation bond. Similarly, the total amount of outstanding debt supporting a municipal project is not necessarily a reliable indicator of the liquidity of a U.S. revenue bond supporting that project. For example, liquidity could disappear if the specified revenue source of a revenue bond were found to be insufficient to meet its obligation, regardless of the total amount of the revenue bond outstanding. The final rule clarifies that the term "general obligation" means a bond or similar obligation that is backed by the full faith and credit of a public sector entity.

The Board will continue to monitor the liquidity characteristics of revenue bonds and consider whether certain revenue bonds should be included as HQLA.

2. Investment Grade U.S. General Obligation Municipal Securities

Consistent with the requirements applied to corporate debt securities that are included as level 2B liquid assets, the proposed rule would have required that U.S. municipal securities be "investment grade" under 12 CFR part 1 as of the calculation date.[18] Commenters requested that all U.S. municipal securities that meet the investment grade standard qualify as

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[16] *See supra* note 9.

[17] The Board has also recognized that general obligation bonds have a higher credit quality than revenue bonds in its risk-based capital rules, which assign a 50 percent risk weight to revenue bonds and a 20 percent risk weight to general obligations of U.S. public sector entities. *See* 12 CFR 217.32(e)(1).

[18] *See supra* footnote 13.

HQLA regardless of other limitations set forth in the proposed rule, arguing that not including these high-credit-quality securities would increase borrowing costs for state and local governments to finance public infrastructure projects. Commenters also asked for clarity on the definition of "investment grade," stating that without clearer guidance a Board-regulated covered company could interpret "investment grade" to include U.S. municipal securities that have low credit quality, inclusion of which in a Board-regulated covered company's HQLA amount would not improve the liquidity risk profile of the firm. One commenter suggested that a municipal security should be included in HQLA on the basis of the issuer's credit rating.

The investment grade criterion helps to ensure that only U.S. municipal securities with high credit quality are included in a Board-regulated covered company's HQLA amount. This criterion requires an issuer of a U.S. general obligation municipal security to have adequate capacity to meet its financial commitments under the security for the projected life of the security, which is met by showing a low risk of default and an expectation of the timely repayment of principal and interest.[19] While higher credit quality is associated with greater liquidity, in the absence of other distinguishing factors, a security's credit quality alone does not guarantee its liquidity. Therefore, the final rule will permit Board-regulated covered companies to include investment grade U.S. municipal securities as HQLA only if they meet the additional criteria for inclusion as level 2B liquid assets and subject to the limitations discussed below.

3. Proven Record as a Reliable Source of Liquidity

Consistent with the requirements for corporate debt securities included as level 2B liquid assets under the LCR rule, the proposed rule would have required that U.S. general obligation municipal securities included as level 2B liquid assets be issued by an entity whose obligations have a proven record as a reliable source of liquidity in repurchase or sales markets during a period of significant stress. Under the proposed rule, a Board-regulated covered company would have been required to demonstrate this record of liquidity reliability and lower volatility during periods of significant stress by showing that the market price of the U.S. municipal securities or equivalent securities of the issuer declined by no more than 20 percent during a 30 calendar-day period of significant stress, or that the market haircut demanded by counterparties to secured lending and secured funding transactions that were collateralized by such securities or equivalent securities of the issuer increased by no more than 20 percentage points during a 30 calendar-day period of significant stress.

Commenters argued that this standard would severely limit the number of U.S. municipal securities that would qualify for inclusion as HQLA based on the historical performance of U.S. municipal securities in times of stress. The final rule maintains the requirement that U.S. municipal securities must have a proven record as a reliable source of liquidity to qualify as level 2B liquid assets. The percentage decline in value (20 percent) and percentage increase in haircut (20 percent) used to determine compliance with this criterion are the same as those applicable to corporate debt securities included as level 2B liquid assets under the LCR rule.[20] This criterion is meant to exclude volatile U.S. municipal securities, which may not hold their value during a period of significant stress. Inclusion of volatile U.S. municipal securities may result in an overestimation of the HQLA amount available to a Board-regulated covered company during a period of significant stress. U.S. municipal securities that meet this criterion have demonstrated an ability to maintain relatively stable prices, and are more likely to be able to be rapidly monetized by a Board-regulated covered company during a period of significant stress.

Commenters expressed concern that it would be difficult to demonstrate compliance with this requirement without specific examples of a stress scenario and quantitative, measurable standards for such an assessment. As discussed in the Supplementary Information section to the LCR rule published October 10, 2014, a Board-regulated covered company may demonstrate a historical record that meets this criterion through reference to historical market prices and available funding haircuts of the U.S. general obligation municipal security during periods of significant stress, such as the 2007–2009 financial crisis.[21] Board-regulated covered companies should also consider other periods of systemic and idiosyncratic stress to determine if the asset under consideration has proven to be a reliable source of liquidity.

4. Not an Obligation of a Financial Sector Entity or Its Consolidated Subsidiaries

The proposed rule would have excluded U.S. general obligation municipal securities that are obligations of a financial sector entity or a consolidated subsidiary of a financial sector entity, as defined under the LCR Rule.[22] This requirement would have excluded U.S. general obligation municipal securities that received a guarantee from a financial sector entity, including a U.S. municipal security that was insured by a bond insurer that was a financial sector entity. This criterion was intended to exclude U.S. general obligation municipal securities that are valued, in part, based on guarantees provided by financial sector entities, because these guarantees could exhibit similar risks and correlation with Board-regulated covered companies (wrong-way risk) during a period of significant stress. Inclusion may result in an overestimation of the HQLA amount that would be available to the Board-regulated covered company during such period of significant stress.

Commenters argued that an insured U.S. municipal security should not be considered an obligation of a financial sector entity because the primary obligation of the security is that of the issuer, not the insurer. Commenters also expressed concern that insured U.S. general obligation municipal securities would receive punitive treatment on the basis of the insurance regardless of the liquidity of the underlying U.S. general obligation municipal security, which may otherwise qualify as HQLA. Commenters further argued that insured U.S. general obligation municipal securities do not represent the type of highly correlated wrong-way risk that is present when a financial institution holds the debt of another financial institution and, since the 2007–2009 financial crisis, bond insurers have modified their risk profiles to limit such wrong-way risk.

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[19] In 2012, the Board issued guidance on the investment grade standard. *See Supervision and Regulation Letter 12–15 (November 15, 2012)*, available at *http://www.federalreserve.gov/bankinforeg/srletters/sr1215.htm.*

[20] Under the LCR rule, equity securities included as level 2B liquid assets have a similar criteria. However, the covered company would be required to demonstrate that the market price of the security or equivalent securities of the issuer declined by no more than 40 percent during a 30 calendar-day period of significant stress, or that the market haircut demanded by counterparties to securities borrowing and lending transactions that are collateralized by the publicly traded common equity shares or equivalent securities of the issuer increased by no more than 40 percentage points, during a 30 calendar-day period of significant stress.

[21] 79 FR 61440, 61459 (October 10, 2014).

[22] The LCR rule defines a financial sector entity to include a regulated financial company, investment company, non-regulated fund, pension fund, investment adviser, or a company that the Board has determined should be treated the same as the foregoing for the purposes of the LCR rule. 12 CFR 249.3.

Commenters stated that insurance not only provides an additional layer of credit protection, but also provides additional benefits because insurers promote increased transparency, engage in due diligence and credit monitoring, and actively participate in bond restructurings following a default, all of which increase the price stability and liquidity of insured bonds. One commenter suggested modifying the proposed rule to allow bonds insured by U.S. regulated financial guarantors who only insure U.S. municipal securities, because these insurers have less exposure to the broader financial markets.

In response to comments, the final rule adopts a different approach to U.S. general obligation municipal securities that are insured than in the proposed rule. Under the final rule, a Board-regulated covered company may include as a level 2B liquid asset a U.S. general obligation municipal security that has a guarantee from a financial institution as long as the company demonstrates that the underlying U.S. general obligation municipal security meets all of the other criteria to be included as level 2B liquid assets without taking into consideration the insurance. This revision is based on further research showing that the market for insured U.S. municipal securities are primarily derived from underlying U.S. municipal securities' liquidity characteristics and not the presence of the insurance, which limits the presence of wrong-way risk. In this way, the requirements in the final rule will help to ensure that an insured U.S. general obligation municipal security would remain liquid regardless of the financial health of the insurer.

B. Quantitative Limitations on a Company's Inclusion of U.S. General Obligation Municipal Securities in Its HQLA Amount

The proposed rule would have limited the amount of U.S. general obligation municipal securities with the same CUSIP number that a Board-regulated covered company could include in its HQLA amount. It would also have limited the amount of a particular U.S. municipal security that a Board-regulated covered company could include in its HQLA amount based on the average daily trading volume of U.S. general obligation municipal securities issued by the U.S. municipality. In addition, the proposed rule would have limited the overall amount of municipal securities that a Board-regulated covered company could include in its HQLA amount to 5 percent of the institution's total HQLA amount. Commenters opposed these limitations, arguing that U.S. municipal securities have similar risks and liquidity characteristics as other assets included in the HQLA amount that are not subject to these limitations. The final rule will retain two and eliminate one of the proposed limitations.

1. Limitation on the Inclusion of U.S. General Obligation Municipal Securities With the Same CUSIP Number in the HQLA Amount

As stated above, the proposed rule would have permitted a Board-regulated covered company to include U.S. general obligation municipal securities as eligible HQLA only to the extent the fair value of the institutions' securities with the same CUSIP number do not exceed 25 percent of the total amount of outstanding securities with the same CUSIP number.

Commenters opposed this limitation, arguing that it would exclude a large portion of the outstanding U.S. general obligation municipal securities from eligible HQLA, and that the limitation was unnecessary to ensure the liquidity of a Board-regulated covered company's HQLA, in light of the proposed rule's other requirements. Commenters emphasized that, due to the structure of the U.S. municipal security market, this limitation would reduce a Board-regulated covered company's ability to invest in U.S. municipal securities and would incentivize them to hold smaller, less liquid blocks of U.S. municipal securities. A commenter stated that applying a limitation at the CUSIP number level would be more limiting than one at the issuer level because single securities issuances with the same CUSIP level are typically smaller in size than an issuer's outstanding debt.

Several commenters noted that U.S. municipal securities generally are not traded or evaluated according to their CUSIP number, as bond issuances are often structured to include many CUSIP numbers identifying issuances with varying maturities and coupon payment schedules, but which are treated similarly in the U.S. municipal securities markets. For example, a very large issuer of U.S. municipal securities may have several hundred individual issuances outstanding, each with different CUSIP numbers. A commenter noted that the number of CUSIPs does not affect the liquidity of a particular security or negatively impact the price stability of U.S. municipal securities. Due to this structure, some commenters suggested that the 25 percent cap could more readily be applied to outstanding U.S. municipal securities of a single issuing entity, rather than to outstanding securities with the same CUSIP number. One commenter expressed concern that a 25 percent cap on securities with the same CUSIP number would cause Board-regulated covered companies to hold smaller positions in individual issuances of U.S. municipal securities rather than large blocks of securities that are more liquid and more frequently traded by institutional investors. Another commenter requested that the Board clarify whether 25 percent of the total amount of outstanding securities with the same CUSIP number could be included as level 2B liquid assets if a company owned more than 25 percent of the outstanding securities.

In response to concerns expressed by certain commenters, the final rule eliminates the 25 percent limitation on the total amount of outstanding securities with the same CUSIP number that could be included as level 2B liquid assets. As indicated in the proposed rule, a Board-regulated covered company that holds a high percentage of an issuance of outstanding municipal securities with the same CUSIP number faces a concentration risk and, therefore, may be unable to readily monetize such positions during a financial stress. This concentration risk is exacerbated in the U.S. municipal securities markets where municipal securities issuances are often structured to include many CUSIP numbers identifying issuances with varying maturities and coupon payments. However, as commenters indicated, the proposed 25 percent limitation would have prevented Board-regulated covered companies from including certain municipal securities from issuances, particularly small issuances as level 2B liquid assets, even though some portion of them are highly liquid. To avoid excluding these highly liquid securities, the 25 percent limitation is not a requirement under the final rule. To the extent these securities are not liquid and, more generally, to address the elevated liquidity risk presented by the structure of the U.S. municipal securities market, the final rule would retain the other limitations on the inclusion of U.S. general obligation municipal securities in a Board-regulated covered company's HQLA amount, as discussed below.

2. Limitation on the Inclusion of the U.S. General Obligation Municipal Securities of a Single Issuer in the HQLA Amount

The proposed rule would have limited the amount of securities issued by a single public sector entity that a company may include as eligible HQLA to two times the average daily trading volume, as measured over the previous four quarters, of all U.S. general obligation municipal securities issued by that public sector entity. As discussed in the Supplementary Information section to the proposed rule, this limitation was designed to ensure U.S. general obligation municipal securities are only included as eligible HQLA to the extent that the market has capacity to absorb an increased supply of such securities.

Many commenters expressed concern regarding this requirement, cautioning that this limitation would put too much emphasis on trading volumes as a measure of liquidity and too little emphasis on the historical price risk of U.S. municipal securities. Some commenters asserted that trading volume, in isolation, is not a reliable indicator of U.S. municipal securities' future liquidity in times of stress. Commenters asserted that trading volumes in the U.S. municipal securities market are often low during times of financial strength, as many investors purchase such securities as "buy-and-hold" investments, and therefore past trading volumes during non-stressed periods do not necessarily correlate with a U.S. municipal security's liquidity during periods of significant stress. One commenter asserted that U.S. municipal securities have similar liquidity characteristics as other level 2B liquid assets that are not subject to similar limitations.

As discussed in the **SUPPLEMENTARY INFORMATION** section to the proposed rule, the Board analyzed data on the historical trading volume of U.S. municipal securities in order to determine the general level of increased sales of U.S. municipal securities that could be absorbed by the market during periods of significant stress. The Board did not include the volume of U.S. municipal securities that are purchased and held for long periods in this analysis because doing so would have assumed that theoretical capacity and demand would exist in periods of significant stress, and would have increased liquidity risk by permitting firms to include an amount of U.S. municipal securities in their HQLA amount that may not be readily monetized in periods of stress. Based on the Board's analysis, two times the average daily trading volume of all U.S. general obligation municipal securities issued by a public sector entity could likely be absorbed by the market within a 30 calendar-day period of significant stress without materially disrupting the functioning of the market. This requirement complements the other criteria and limitations in the final rule and ensures that U.S. general obligation securities that are included as eligible HQLA remain relatively liquid and have buyers and sellers during periods of significant stress.

Commenters also expressed concern that this limitation would pose operational difficulties for Board-regulated covered companies because a system to monitor daily trading volumes of individual municipal issuers' securities does not currently exist. Although it does not appear that an automated system to monitor daily trading volume is available, data on the trading of an individual municipal issuers' securities is publicly available, so Board-regulated covered companies should be able to access data on the daily trading volumes of individual municipal issuers and monitor such trading volumes with limited operational difficulties.

For these reasons, the final rule retains the limitation on the inclusion of U.S. general obligation municipal securities of a single issuer as eligible HQLA. In addition, the Board is clarifying in the final rule that a Board-regulated covered company that owns more than two times the average daily trading volume of all U.S. general obligation municipal securities issued by a public sector entity may include up to two times the average daily trading volume of such securities as eligible HQLA.

3. Limitation on the Amount of U.S. General Obligation Municipal Securities That Can Be Included in the HQLA Amount

The proposed rule would have limited the amount of U.S. general obligation municipal securities that may be included in a Board-regulated covered company's HQLA amount to no more than 5 percent of the HQLA amount. Commenters disagreed with this limitation, contending that U.S. municipal securities are safer and more liquid than some other types of HQLA assets that have no such concentration limitation. A commenter argued that limiting the amount of U.S. municipal securities to 5 percent of the HQLA amount would discourage banks from investing in U.S. municipal securities, would increase funding costs for state and local entities, and would unnecessarily constrict the supply of HQLA. Another commenter suggested that the preexisting limitations in the LCR rule regarding the percentage of HQLA assets that can be level 2 liquid assets would ensure sufficient diversification in HQLA assets.

The final rule maintains the 5 percent limitation on the amount of U.S. municipal securities that can be included in a Board-regulated covered company's HQLA amount, but, as noted, does not include the proposed 25 percent limitation on the total amount of outstanding securities with the same CUSIP number. As discussed above, while the 25 percent limitation effectively could have barred a Board-regulated covered company from including certain municipal securities, and particularly small issuances, in its HQLA amount, the 5 percent limitation should not prevent a Board-regulated covered company from including any particular issuance of municipal securities in its HQLA amount. Rather, the 5 percent limitation will act as a backstop to address the overall liquidity risk presented by the structure of the U.S. municipal securities market, including the large diversity of issuers and sizes of issuances, by ensuring that a Board-regulated covered company's HQLA amount is not overly concentrated in and reliant on U.S. municipal securities. The 5 percent limitation is in addition to the 40 percent limitation on the aggregate amount of level 2A and level 2B liquid assets and the 15 percent limitation on level 2B liquid assets that can be included in a Board-regulated covered company's HQLA amount. It also complements the two times trading volume limitation on U.S. general obligation municipal securities described above, which pertains to individual issuers. Consistent with the LCR rule's limitations on level 2A and level 2B liquid assets, this 5 percent limitation applies both on an unadjusted basis and after adjusting the composition of the HQLA amount upon the unwinding of certain secured funding transactions, secured lending transactions, asset exchanges and collateralized derivatives transactions.[23]

The final rule would not, however, limit the amount of U.S. municipal securities a firm may hold for purposes other than complying with the LCR rule.

C. HQLA Calculation

Section 249.21 of the LCR rule provides instructions for calculating a Board-regulated covered company's

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[23] *See* 12 CFR 249.21(g).

HQLA amount, which includes the calculation of the required haircuts and caps for level 2 liquid assets. The final rule implements the 5 percent limitation for U.S. general obligation municipal securities by adding the limitation to the calculation in § 249.21 of the LCR rule. Specifically, the final rule amends the calculations of the unadjusted excess HQLA amount and the adjusted excess HQLA amount in the LCR rule[24] and adds four new calculations: the public sector entity security liquid asset amount, the public sector entity security cap excess amount, the adjusted public sector entity security liquid asset amount, and the adjusted public sector entity security cap excess amount.

Under the final rule, the unadjusted excess HQLA amount equals the sum of the level 2 cap excess amount, the level 2B cap excess amount, and the public sector entity security cap excess amount. The method of calculating the public sector entity security cap excess amount is set forth in § 249.21(f) of the final rule. Under this section, the public sector entity security cap excess amount is calculated as the greater of (1) the public sector entity security liquid asset amount minus the level 2 cap excess amount minus level 2B cap excess amount minus 0.0526 (or 5/95, which is the ratio of the maximum allowable public sector entity security liquid assets to the level 1 liquid assets and other level 2 liquid assets) times the total of (i) the level 1 liquid asset amount, plus (ii) the level 2A liquid asset amount, plus (iii) the level 2B liquid asset amount, minus (iv) the public sector entity security liquid asset amount; or (2) zero.

Under the final rule, the adjusted excess HQLA amount equals the sum of the adjusted level 2 cap excess amount, the adjusted level 2B cap excess amount, and the adjusted public sector entity cap excess amount. The method of calculating the adjusted public sector entity security cap excess amount is set forth in § 249.21(k) of the final rule. The adjusted public sector entity security cap excess amount is calculated as the greater of: (1) The adjusted public sector entity security liquid asset amount minus the adjusted level 2 cap excess amount minus the adjusted level 2B cap excess amount minus 0.0526 (or 5/95, which is the ratio of the maximum allowable adjusted public sector entity security liquid assets to the adjusted level 1 liquid assets and other adjusted level 2 liquid assets) times the total of (i) the adjusted level 1 liquid asset amount, plus (ii) the adjusted level 2A liquid asset amount, plus (iii) the adjusted level 2B liquid asset amount, minus (iv) the adjusted public sector entity security liquid asset amount; or (2) zero.

The **SUPPLEMENTARY INFORMATION** section to the LCR rule included an example calculation of the HQLA amount.[25] The following is an example calculation of the HQLA amount under the final rule, which is similar to the calculation in the LCR rule, but includes the public sector entity security liquid asset amount, the public sector entity security cap excess amount, the adjusted public sector entity security liquid asset, and the adjusted public sector entity security cap excess amount. Note that the given liquid asset amounts and adjusted liquid asset amounts already reflect the level 2A and 2B haircuts.

(a) Calculate the liquid asset amounts (12 CFR 249.21(b))

The following values are given:

Fair value of all level 1 liquid assets that are eligible HQLA: 17
Covered company's reserve balance requirement: 2
Level 1 liquid asset amount (12 CFR 249.21(b)(1)): 15
Level 2A liquid asset amount: 25
Level 2B liquid asset amount: 140
Of Which, Public sector entity security liquid asset amount: 15

(b) Calculate unadjusted excess HQLA amount (12 CFR 249.21(c))

Step 1: Calculate the level 2 cap excess amount (12 CFR 249.21(d)):

Level 2 cap excess amount = Max (level 2A liquid asset amount + level 2B liquid asset amount − 0.6667*level 1 liquid asset amount, 0)
= Max (25 + 140 − 0.6667*15, 0)
= Max (165 − 10.00, 0)
= Max (155.00, 0)
= 155.00

Step 2: Calculate the level 2B cap excess amount (12 CFR 249.21(e)).

Level 2B cap excess amount = Max (level 2B liquid asset amount − level 2 cap excess amount − 0.1765*(level 1 liquid asset amount + level 2A liquid asset amount), 0)
= Max (140 − 155.00 − 0.1765*(15 + 25), 0)
= Max (− 15 − 7.06, 0)
= Max (− 22.06, 0)
= 0

Step 3: Calculate the public sector entity security cap excess amount (§ 249.21(f) of the final rule).

Public sector entity security cap excess amount = Max (public sector entity security liquid asset amount − level 2 cap excess amount − level 2B cap excess amount − 0.0526*(level 1 liquid asset amount + level 2A liquid asset amount + level 2B liquid asset amount − public sector entity security liquid asset amount), 0)
= Max (15 − 155.00 − 0 − 0.0526*(15 + 25 + 140 − 20), 0)
= Max (− 140 − 8.42, 0)
= Max (− 148.42, 0)
= 0

Step 4: Calculate the unadjusted excess HQLA amount (12 CFR 249.21(c)).

Unadjusted excess HQLA amount = Level 2 cap excess amount + level 2B cap excess amount + public sector entity security cap excess amount
= 155.00 + 0 + 0
= 155

(c) Calculate the adjusted liquid asset amounts, based upon the unwind of certain transactions involving the exchange of eligible HQLA or cash (12 CFR 249.21(g)).

The following values are given:

Adjusted level 1 liquid asset amount: 110
Adjusted level 2A liquid asset amount: 50
Adjusted level 2B liquid asset amount: 20
Of Which, Adjusted public sector entity security liquid asset amount: 20

(d) Calculate adjusted excess HQLA amount (12 CFR 249.21(h)).

Step 1: Calculate the adjusted level 2 cap excess amount (12 CFR 249.21(i)).

Adjusted level 2 cap excess amount = Max (adjusted level 2A liquid asset amount + adjusted level 2B liquid asset amount − 0.6667*adjusted level 1 liquid asset amount, 0)
= Max (50 + 20 − 0.6667*110, 0)
= Max (70 − 73.34, 0)
= Max (− 3.34, 0)
= 0

Step 2: Calculate the adjusted level 2B cap excess amount (12 CFR 249.21(j)).

Adjusted level 2B cap excess amount = Max (adjusted level 2B liquid asset amount − adjusted level 2 cap excess amount − 0.1765*(adjusted level 1 liquid asset amount + adjusted level 2A liquid asset amount, 0)
= Max (20 − 0 − 0.1765*(110 + 50), 0)
= Max (20 − 28.24, 0)
= Max (− 8.24, 0)
= 0

Step 3: Calculate the adjusted public sector entity security cap excess amount (§ 249.21(k) of the final rule).

Adjusted public sector entity security cap excess amount = Max(adjusted

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[24] *See* 12 CFR 249.21(c) and (f).

[25] *See* 79 FR 61440, 61474–75.

public sector entity security liquid asset amount − adjusted level 2 cap excess amount − adjusted level 2B cap excess amount − 0.0526*(adjusted level 1 liquid asset amount + adjusted level 2A liquid asset amount + adjusted level 2B liquid asset amount − adjusted public sector entity security liquid asset amount, 0)
= Max (20 − 0 − 0 − 0.0526*(110 + 50 + 20 − 20), 0)
= Max (20 − 8.42, 0)
= Max (11.58, 0)
= 11.58

Step 4: Calculate the adjusted excess HQLA amount (12 CFR 249.21(h)).

Adjusted excess HQLA amount = Adjusted level 2 cap excess amount + adjusted level 2B cap excess amount + adjusted public sector entity security cap excess amount
= 0 + 0 + 11.58
= 11.58

(e) Determine the HQLA amount (12 CFR 249.21(a)).

HQLA Amount = Level 1 liquid asset amount + level 2A liquid asset amount + level 2B liquid asset amount − Max (unadjusted excess HQLA amount, adjusted excess HQLA amount)
= 15 + 25 + 140 − Max (155, 11.58)
= 180 − 155
= 25

III. Plain Language

Section 722 of the Gramm-Leach Bliley Act[26] requires the Board to use plain language in all proposed and final rules published after January 1, 2000. The Board sought to present the proposed rule in a simple and straightforward manner and did not receive any comments on the use of plain language.

IV. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (the "RFA"), generally requires that an agency prepare and make available for public comment an initial Regulatory Flexibility Act analysis in connection with a notice of proposed rulemaking.[27] The Board solicited public comment on this rule in a notice of proposed rulemaking and has since considered the potential impact of this final rule on small entities in accordance with section 604 of the RFA. The Board received no public comments related to the initial Regulatory Flexibility Act analysis in the proposed rule from the Chief Council for Advocacy of the Small Business Administration or from the general public. Based on the Board's analysis, and for the reasons stated below, the Board believes that the final rule will not have a significant economic impact on a substantial number of small entities.

Under regulations issued by the Small Business Administration, a "small entity" includes a depository institution, bank holding company, or savings and loan holding company with total assets of $550 million or less (a small banking organization). As of December 31, 2015, there were approximately 606 small state member banks, 3,268 small bank holding companies, and 166 small savings and loan holding companies.

As discussed above, the final rule would amend the LCR rule to include certain high-quality U.S. general obligation municipal securities as HQLA for the purposes of the LCR rule. The final rule does not apply to "small entities" and applies only to Board-regulated institutions subject to the LCR rule: (1) Bank holding companies, certain savings and loan holding companies, and state member banks that, in each case, have $250 billion or more in total consolidated assets or $10 billion or more in on-balance sheet foreign exposure; (2) state member banks with $10 billion or more in total consolidated assets that are consolidated subsidiaries of bank holding companies subject to the LCR rule; (3) nonbank financial companies designated by the Council for Board supervision to which the Board has applied the LCR rule by separate rule or order; and (4) bank holding companies and certain savings and loan holding companies with $50 billion or more in total consolidated assets, but that do not meet the thresholds in (1) through (3), which are subject to the modified LCR rule. Companies that are subject to the final rule therefore substantially exceed the $550 million asset threshold at which a banking entity is considered a "small entity" under SBA regulations.

No small top-tier bank holding company, top-tier savings and loan holding company, or state member bank would be subject to the rule, so there would be no additional projected compliance requirements imposed on small bank holding companies, small savings and loan holding companies, or small state member banks.

The Board believes that the final rule will not have a significant impact on small banking organizations supervised by the Board and therefore believes that there are no significant alternatives to the rule that would reduce the economic impact on small banking organizations supervised by the Board.

V. Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) (PRA), the Board may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The Board reviewed the final rule under the authority delegated to the Board by the OMB and determined that it would not introduce any new collection of information pursuant to the PRA.

VI. Riegle Community Development and Regulatory Improvement Act of 1994

Section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994 (RCDRIA) requires a federal banking agency, in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions, to consider any administrative burdens that such regulations would place on depository institutions, and the benefits of such regulations, consistent with the principles of safety and soundness and the public interest.[28] In addition, new regulations that impose additional reporting disclosures or other new requirements on insured depository institutions generally must take effect on the first day of a calendar quarter which begins on or after the date on which the regulations are published in final form.[29] Section 302 of the RCDRIA does not apply to this final rule because the final rule does not prescribe additional reporting, disclosures, or other new requirements on insured depository institutions. As discussed in detail above in the **SUPPLEMENTARY INFORMATION** section, the final rule instead expands the types of assets for which Board-regulated covered companies may include as HQLA under the LCR rule. Nevertheless, the final rule becomes effective on July 1, 2016, the first day of a calendar quarter.

List of Subjects in 12 CFR Part 249

Administrative practice and procedure; Banks, banking; Federal Reserve System; Holding companies;

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[26] Public Law 106–102, 113 Stat. 1338, 1471, 12 U.S.C. 4809.

[27] *See* 5 U.S.C. 603(a).

[28] *See* Section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994, 12 U.S.C. 4802.

[29] 12 U.S.C. 4802(b).

Liquidity; Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons stated in the **SUPPLEMENTARY INFORMATION**, the Board amends part 249 of chapter II of title 12 of the Code of Federal Regulations as follows:

PART 249—LIQUIDITY RISK MEASUREMENT STANDARDS (REGULATION WW)

■ 1. The authority citation for part 249 continues to read as follows:

Authority: 12 U.S.C. 248(a), 321–338a, 481–486, 1467a(g)(1), 1818, 1828, 1831p–1, 1831o–1, 1844(b), 5365, 5366, 5368.

■ 2. Amend § 249.3 by adding a definition for "General obligation" in alphabetical order to read as follows:

§ 249.3 Definitions.

* * * * *

General obligation means a bond or similar obligation that is backed by the full faith and credit of a public sector entity.

* * * * *

■ 3. Amend § 249.20 by redesignating paragraph (c)(2) as paragraph (c)(3) and adding paragraph (c)(2) to read as follows:

§ 249.20 High-quality liquid asset criteria.

* * * * *

(c) * * *

(2) A general obligation security issued by, or guaranteed as to the timely payment of principal and interest by, a public sector entity where the security is:

(i) Investment grade under 12 CFR part 1 as of the calculation date;

(ii) Issued or guaranteed by a public sector entity whose obligations have a proven record as a reliable source of liquidity in repurchase or sales markets during stressed market conditions, as demonstrated by:

(A) The market price of the security or equivalent securities of the issuer declining by no more than 20 percent during a 30 calendar-day period of significant stress; or

(B) The market haircut demanded by counterparties to secured lending and secured funding transactions that are collateralized by the security or equivalent securities of the issuer increasing by no more than 20 percentage points during a 30 calendar-day period of significant stress; and

(iii) Not an obligation of a financial sector entity and not an obligation of a consolidated subsidiary of a financial sector entity, except that a security will not be disqualified as a level 2B liquid asset solely because it is guaranteed by a financial sector entity or a consolidated subsidiary of a financial sector entity if the security would, if not guaranteed, meet the criteria in paragraphs (c)(2)(i) and (ii) of this section.

* * * * *

■ 4. Amend § 249.21 by:

■ a. Adding paragraph (b)(4);

■ b. Removing the period at the end of paragraph (c)(2) and adding in its place "; *plus*";

■ c. Adding paragraph (c)(3);

■ d. Redesignating paragraphs (f) through (i) as paragraphs (g) through (j), respectively, and adding paragraph (f);

■ e. Adding paragraph (g)(4) to newly redesignated paragraph (g);

■ f. Removing the period at the of newly redesignated paragraph (h)(2) and adding in its place "; *plus*"; and

■ g. Adding paragraph (h)(3) to newly redesignated paragraph (h) and paragraph (k).

The additions and revisions read as follows:

§ 249.21 High-quality liquid asset amount.

* * * * *

(b) * * *

(4) *Public sector entity security liquid asset amount.* The public sector entity security liquid asset amount equals 50 percent of the fair value of all general obligation securities issued by, or guaranteed as to the timely payment of principal and interest by, a public sector entity that are eligible HQLA.

(c) * * *

(3) The public sector entity security cap excess amount.

* * * * *

(f) *Calculation of the public sector entity security cap excess amount.* As of the calculation date, the public security entity security cap excess amount equals the greater of:

(1) The public sector entity security liquid asset amount minus the level 2 cap excess amount minus level 2B cap excess amount minus 0.0526 times the total of:

(i) The level 1 liquid asset amount; plus

(ii) The level 2A liquid asset amount; plus

(iii) The level 2B liquid asset amount; minus

(iv) The public sector entity security liquid asset amount; and

(2) 0.

(g) * * *

(4) *Adjusted public sector entity security liquid asset amount.* A Board-regulated institution's adjusted public sector entity security liquid asset amount equals 50 percent of the fair value of all general obligation securities issued by, or guaranteed as to the timely payment of principal and interest by, a public sector entity that would be eligible HQLA and would be held by the Board-regulated institution upon the unwind of any secured funding transaction (other than a collateralized deposit), secured lending transaction, asset exchange, or collateralized derivatives transaction that matures within 30 calendar days of the calculation date where the Board-regulated institution will provide an asset that is eligible HQLA and the counterparty will provide an asset that will be eligible HQLA.

(h) * * *

(3) The adjusted public sector entity security cap excess amount.

* * * * *

(k) *Calculation of the adjusted public sector entity security cap excess amount.* As of the calculation date, the adjusted public sector entity security cap excess amount equals the greater of:

(1) The adjusted public sector entity security liquid asset amount minus the adjusted level 2 cap excess amount minus the adjusted level 2B cap excess amount minus 0.0526 times the total of:

(i) The adjusted level 1 liquid asset amount; *plus*

(ii) The adjusted level 2A liquid asset amount; *plus*

(iii) The adjusted level 2B liquid asset amount; *minus*

(iv) The adjusted public sector entity security liquid asset amount; and

(2) 0.

■ 5. Amend § 249.22 by redesignating paragraph (c) as paragraph (d) and adding paragraph (c) to read as follows:

§ 249.22 Requirements for eligible high-quality liquid assets.

* * * * *

(c) *Securities of public sector entities as eligible HQLA.* A Board-regulated institution may include as eligible HQLA a general obligation security issued by, or guaranteed as to the timely payment of principal and interest by, a public sector entity to the extent that the fair value of the aggregate amount of securities of a single public sector entity issuer included as eligible HQLA is no greater than two times the average daily trading volume during the previous four quarters of all general obligation securities issued by that public sector entity.

* * * * *

By order of the Board of Governors of the Federal Reserve System, March 31, 2016.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2016–07716 Filed 4–8–16; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–4076; Directorate Identifier 2015–NE–30–AD; Amendment 39–18483; AD 2016–08–07]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Rolls-Royce plc (RR) RB211–22B and RB211–524 turbofan engines with low-pressure turbine (LPT) support roller bearing, part number (P/N) LK30313 or P/N UL29651, installed. This AD requires removal of certain LPT support roller bearings installed in RR RB211–22B and RB211–524 engines. This AD was prompted by a report of a breach of the turbine casing and release of engine debris through a hole in the engine nacelle. We are issuing this AD to prevent failure of the LPT support roller bearing, loss of radial position following LPT blade failure, uncontained part release, damage to the engine, and damage to the airplane.

DATES: This AD becomes effective May 16, 2016.

ADDRESSES: See the **FOR FURTHER INFORMATION CONTACT** section.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–4076; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Brian Kierstead, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7772; fax: 781–238–7199; email: *brian.kierstead@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to the specified products. The NPRM was published in the **Federal Register** on December 9, 2015 (80 FR 76402). The NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

> An RB211–524G2–T engine experienced an in-service event that resulted in breach of a turbine casing and some release of core engine debris through a hole in the engine nacelle. The investigation of the event determined the primary cause to have been fracture and release of a Low Pressure (LP) turbine stage 2 blade. The blade release caused secondary damage to the LP turbine, producing significant out-of-balance forces. The event engine was fitted with an LP turbine support bearing where the roller retention cage is constructed from two halves that are riveted together. The LP turbine imbalance resulted in an overload of the LP turbine support bearing and caused separation of the riveted, two –piece roller retention cage. Radial location of the LP turbine shaft was lost, allowing further progression of the event that resulted in a breach of the IP turbine casing.

You may obtain further information by examining the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–4076.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comments received.

Support for the NPRM (80 FR 76402, December 9, 2015)

Boeing concurred with the NPRM.

Request To Change Compliance

Orbital ATK and Lockheed Martin requested that the compliance time be based on LPT blade cycles instead of calendar time. Orbital ATK cites correspondence with the U.S. Rolls-Royce representative who recommends a 15,000 cycles-since-new (CSN) duration for the LPT blade design life. Since there is no calendar time driving the unsafe condition, Orbital ATK believes this is a good mitigation factor for low utilization rate operators. Orbital ATK believes that routine borescope inspections of the LPT blades and removal of the engine prior to reaching an LPT blade limit of 15,000 CSN offers an equivalent level of safety.

We partially agree. We agree that the failure mode of the bearing support is not a time-based dependency. However, a compliance time of 24 months is specified to allow for a shop visit interval. We have determined that removal of the LPT support roller bearing addresses the unsafe condition. Operators with unique circumstances may apply for an alternative method of compliance using the procedures listed in this AD. We did not change this AD.

Request To Change Costs of Compliance

Lockheed Martin requested an adjustment to the estimated costs of compliance. The costs to low utilization operators would be significantly increased by imposing an unscheduled shop visit and/or unscheduled engine removal. Another possible contributor for increased costs is the lack of an approved repair station within the United States.

We partially agree. We disagree that no repair stations exist within the U.S. that may perform the work required by this AD. We agree that this AD may drive low utilization operators to the shop faster. Operators with unique circumstances may apply for an alternative method of compliance using the procedures listed in this AD. We did not change this AD.

Conclusion

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting this AD as proposed.

Costs of Compliance

We estimate that this AD affects 9 engines installed on airplanes of U.S. registry. We also estimate it will take 0 hours to comply with this AD. Removing the LPT support roller bearing is required during a shop visit; therefore, no additional time is needed for removal. Required parts cost about $8,184 per engine. The average labor rate is $85 per hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $73,656.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this AD:

(1) Is not a "significant regulatory action" under Executive Order 12866,

(2) Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2016–08–07 Rolls-Royce plc: Amendment 39–18483; Docket No. FAA–2015–4076; Directorate Identifier 2015–NE–30–AD.

(a) Effective Date

This AD becomes effective May 16, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Rolls-Royce plc RB211–22B–02, RB211–22B (MOD 72–8700), RB211–524B–02, RB211–524B–B–02, RB211–524B2–19, RB211–524B2–B–19, RB211–524B3–02, RB211–524B4–02, RB211–524B4–D–02, RB211–524C2–19, RB211–524C2–B–19, RB211–524D4–19, RB211–524D4–B–19, RB211–524D4X–19, RB211–524D4X–B–19, RB211–524D4–39, RB211–524D4–B–39, RB211–524G2–19, RB211–524G3–19, RB211–524–G2–T–19, RB211–524G3–T–19, RB211–524H–36, RB211–524H2–19, RB211–524H–T–36, and RB211–524H2–T–19 turbofan engines, all serial numbers, with low-pressure turbine (LPT) support roller bearing, part number (P/N) LK30313 or P/N UL29651, installed.

(d) Reason

This AD was prompted by a report of a breach of the turbine casing and release of engine debris through a hole in the engine nacelle. We are issuing this AD to prevent failure of the LPT support roller bearing, loss of radial position following LPT blade failure, uncontained part release, damage to the engine, and damage to the airplane.

(e) Actions and Compliance

Comply with this AD within the compliance times specified, unless already done. At the next shop visit or within 24 months after the effective date of this AD, whichever occurs first, remove from service LPT support roller bearing, P/N LK30313 or P/N UL29651, and replace with a part eligible for installation.

(f) Installation Prohibition

After the effective date of this AD, do not install an LPT support roller bearing, P/N LK30313 or P/N UL29651, onto any engine.

(g) Definition

For the purpose of this AD, a "shop visit" is defined as induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine flanges, except that the separation of engine flanges solely for the purposes of transportation without subsequent engine maintenance does not constitute an engine shop visit.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request. You may email your request to: *ANE-AD-AMOC@faa.gov.*

(i) Related Information

(1) For more information about this AD, contact Brian Kierstead, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7772; fax: 781–238–7199; email: *brian.kierstead@faa.gov.*

(2) Refer to MCAI European Aviation Safety Agency AD 2015–0187, dated September 9, 2015, for more information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2015–4076.

(j) Material Incorporated by Reference

None.

Issued in Burlington, Massachusetts, on April 4, 2016.

Colleen M. D'Alessandro,

Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2016–08092 Filed 4–8–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–4112; Directorate Identifier 2014–SW–043–AD; Amendment 39–18471; AD 2016–07–26]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters (previously Eurocopter France)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2010–23–02 for Eurocopter France (now Airbus Helicopters) Model SA–365N, SA–365N1, AS–365N2, and AS 365 N3 helicopters. AD 2010–23–02 required amending the Limitations section of the Rotorcraft Flight Manual (RFM) to limit the never-exceed velocity (VNE) to 150 Knots Indicated Air Speed (KIAS) and to add a 1,500 ft/minute rate of descent (R/D) limitation beyond 140 KIAS. Since we issued AD 2010–23–02, a design change designated as modification (MOD) 0755B28 improved the dynamic behavior of the horizontal stabilizer such that AD actions are not required. This new AD retains the requirements of AD 2010–23–01 and revises the applicability to exclude helicopters with MOD 0755B28. We are issuing this AD to exclude certain helicopters from the applicability and restrict the VNE on other helicopters to prevent failure of the horizontal stabilizer and subsequent loss of control of the helicopter.

DATES: This AD is effective May 16, 2016.

ADDRESSES: For service information identified in this final rule, contact Airbus Helicopters, Inc., 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.* You may view this referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, Texas 76177.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* in Docket No. FAA–2015–4112; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, the economic evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Robert Grant, Aviation Safety Engineer, Safety Management Group, FAA, 10101 Hillwood Pkwy., Fort Worth, Texas 76177; telephone (817) 222–5110; email *robert.grant@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to remove AD 2010–23–02, Amendment 39–16491 (75 FR 68169, November 5, 2010) and add a new AD. AD 2010–23–02 applied to Eurocopter France (now Airbus Helicopters) Model SA 365N, SA–365N1, AS 365N2, and AS 365 N3 helicopters. AD 2010–23–02 required amending the Limitations section of the RFM to limit the VNE to 150 KIAS and to add a 1,500 ft/minute R/D limitation beyond 140 KIAS and installing one or more placards on the cockpit instrument panel in full view of the pilot and copilot. AD 2010–23–01 was prompted by AD No. 2008–0204R1, Revision 1, dated May 21, 2014, issued by EASA, which is the Technical Agent for the Member States of the European Union. EASA advises that Airbus Helicopters developed MOD 07 55B28 to improve the dynamic behavior of the horizontal stabilizer and thus reduce the vibration levels during high speed descent. EASA issued AD No. 2008–0204R1 to retain the requirements of its previous AD but to exclude helicopters with MOD 07 55B28 from the applicability.

The NPRM published in the **Federal Register** on October 19, 2015 (80 FR 63145). The NPRM proposed to retain the requirements to amend the Limitations section of the RFM and install one or more placards on the cockpit instrument panel. The NPRM also proposed to revise the applicability to exclude helicopters with MOD 0755B28 installed. The proposed requirements were intended to exclude certain helicopters from the applicability and restrict the VNE on other helicopters to prevent failure of the horizontal stabilizer and subsequent loss of control of the helicopter.

Comments

We gave the public the opportunity to participate in developing this AD, but we did not receive any comments on the NPRM (80 FR 63145, October 19, 2015).

FAA's Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its technical representative, has notified us of the unsafe condition described in its AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of the same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

Related Service Information

Eurocopter has issued an Emergency Alert Service Bulletin (EASB) with three numbers (01.00.60, 01.00.16, and 01.28), Revision 1, dated December 2, 2008. EASB No. 01.00.60 applies to U.S. type-certificated Model SA–365N, SA–365N1, AS–365N2, and AS 365 N3 helicopters and also to military Model AS365F, Fs, Fi, and K helicopters that are not type certificated in the United States. EASB 01.00.16 applies to military Model AS565AA, MA, MB, SA, SB, and UB helicopters that are not type certificated in the United States. EASB 01.28 applies to the Model SA–366G1 helicopter. The EASB specifies bonding one or more locally-produced labels to the instrument panel stating that the VNE is limited to 150 KIAS and the R/D must not exceed 1,500 ft/min beyond 140 KIAS. Eurocopter states in the EASB that it is working on an enhanced definition that will be proposed as soon as possible. EASA classified this EASB as mandatory and issued AD No. 2008–0204–E, dated December 4, 2008, and revised with Revision 1, dated May 21, 2014, to ensure the continued airworthiness of these helicopters.

Airbus Helicopters has issued Service Bulletin (SB) No. AS365–55.00.06, Revision 0, dated November 14, 2014, which Airbus Helicopters identifies as MOD 0755B28. The SB specifies repairing the stabilizer for suppression of the flutter phenomenon.

Costs of Compliance

We estimate that this AD will affect 33 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at $85 per work-hour. We estimate about ½ work-hour per helicopter to make copies to include in the RFM and to make and install the placards. The parts costs are minimal. Based on these figures, we estimate the cost of this AD on U.S. operators will be $1,403 for the fleet.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a "significant regulatory action" under Executive Order 12866;

(2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

(3) Will not affect intrastate aviation in Alaska to the extent that a regulatory; and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2010–23–02, Amendment 39–16491 (75 FR 68169, November 5, 2010), and adding the following new AD:

2016–07–26 Airbus Helicopters (previously Eurocopter France): Amendment 39–18471; Docket No. FAA–2015–4112; Directorate Identifier 2014–SW–043–AD.

(a) Applicability

This AD applies to Model SA–365N, SA–365N1, AS–365N2, and AS 365 N3 helicopters, with a horizontal stabilizer, part number 365A13–3030–1901, –1902, –1903, –1904, –1905, –1906, –1908, –1909; 365A13–3036–00, –0001, –0002, –0003; or 365A13–3038–00, installed, except those with modification 0755B28 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as vibration during descent at high speed. This condition could result in failure of the horizontal stabilizer and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD replaces AD 2010–23–02, Amendment 39–16491 (75 FR 68169, November 5, 2010).

(d) Effective Date

This AD becomes effective May 16, 2016.

(e) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(f) Required Actions

Before further flight:

(1) Revise the airspeed operating limitation in the Limitations section of the Rotorcraft Flight Manual (RFM) by making pen and ink changes or by inserting a copy of this AD into the RFM stating: "The never-exceed speed (VNE) is limited to 150 knots indicated airspeed (KIAS)" and "The rate-of-descent (R/D) must not exceed 1,500 ft/min when the airspeed is beyond 140 KIAS."

(2) Install one or more self-adhesive placards, with 6 millimeter red letters on white background, on the cockpit instrument panel in full view of the pilot and co-pilot to read as follows: "VNE LIMITED TO 150 KIAS" and "R/D MUST NOT EXCEED 1,500 ft/min when airspeed is beyond 140 KIAS"

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Robert Grant, Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy., Fort Worth, Texas 76177; telephone (817) 222–5110; email *9-asw-ftw-amoc-requests@faa.gov*.

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

(1) Eurocopter Emergency Alert Service Bulletin (EASB) No. 01.00.60, 01.00.16, and 01.28, Revision 1, dated December 2, 2008, and Airbus Helicopters Service Bulletin No. AS365–55.00.06, Revision 0, dated November 14, 2014, which are not incorporated by reference, contain additional information about the subject of this final rule. For service information identified in this final rule, contact Airbus Helicopters, Inc., 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub*. You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2008–0204R1, dated May 21, 2014. You may view the EASA AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2015–4112.

(i) Subject

Joint Aircraft Service Component (JASC) Code 5310: Horizontal Stabilizer Structure.

Issued in Fort Worth, Texas, on March 31, 2016.

James A. Grigg,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2016–07981 Filed 4–8–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2014-0775; Directorate Identifier 2014–NM–046–AD; Amendment 39–18467; AD 2016–07–22]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes), and Model A310 series airplanes. This AD was prompted by reports of insufficient clearance for the electrical wiring bundles in the leading and trailing edges of the right-hand (RH) and left-hand (LH) wings. This AD requires modifying the electrical routing installation at the RH and LH wings. We are issuing this AD to prevent insufficient clearance of electrical wiring bundles located in the leading and trailing edges of the RH and LH wings, which could lead to chafing damage and arcing, possibly resulting in an on-board fire.

DATES: This AD becomes effective May 16, 2016.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of May 16, 2016.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0775;* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the

FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0775.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Model A310 series airplanes. The NPRM published in the **Federal Register** on November 21, 2014 (79 FR 69377) ("the NPRM").

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2015–0176, dated August 25, 2015 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition for all Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Model A310 series airplanes. The MCAI states:

> Following publication of FAA SFAR 88 (Special Federal Aviation Regulation 88) [*http://rgl.faa.gov/Regulatory_and_Guidance_Library%5CrgFAR.nsf/0/EEFB3F94451DC06286256C93004F5E07?OpenDocument*], EASA issued AD 2006–0076 (*http://ad.easa.europa.eu/ad/2006-0076*] requiring inspection and corrective action to improve the explosion risk protection system for the left hand (LH) and right hand (RH) wings on A300, A300–600, A300–600ST and A310 aeroplanes.
>
> For A300–600, A300–600ST and A310 aeroplanes, the required detailed visual inspections of electrical bundles located in the leading and trailing edges of the RH and LH wings and a review of the wing electrical installation on the final assembly line have shown that the wing electrical installation does not comply with the minimum distance inspection criteria to the surrounding structure in a few wing locations.
>
> This condition, if not detected and corrected, could lead to damage on the electrical harnesses and on the surrounding structure.
>
> To address this unsafe condition, Airbus developed an improvement of the wing electrical installation to prevent possible chafing and subsequent damage to the electrical harnesses and surrounding structure.
>
> Consequently EASA issued AD 2014–0034 [*http://www.regulations.gov/#!documentDetail;D=FAA–2014–0775–0002*] to require installation of new bracket assemblies to ensure the clearance between the wiring and the structure, and installation of protective split sleeves as mechanical protection to the electrical harnesses.
>
> Since EASA AD 2014–0034 was issued, during embodiment of Airbus Service Bulletin (SB) A300–24–6103 Revision 02 on an aeroplane, an installation problem was identified, which prompted Airbus to revise SB A300–24–9014 Revision 01, and A300–24–6103 Revision 02.
>
> Service Bulletin Information Transmission (SBIT) 14–0044 Revision 01 dated 06 February 2015 recommended to postpone embodiment of these two SB's, and to wait for the availability of Airbus SB A300–24–9014 Revision 02 and A300–24–6103 Revision 03.
>
> For the reasons described above, this [EASA]AD retains the requirement of the EASA AD 2014–0034, which is superseded, and requires in addition for the A300–600 and A300–600ST aeroplanes only, installation of new bracket assemblies in shroud box (LH and RH side) to ensure adequate clearance between wirings and flap track carriage (LH and RH side).

Required actions include modifying the electrical routing installation at the RH and LH wings by installing new bracket assemblies to ensure adequate clearance between the wiring and the structure, and installing protective split sleeves as mechanical protection to the electrical harnesses.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0775-0002*.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM and the FAA's response to each comment.

Requests To Use the Latest Service Information

FedEx and United Parcel Service (UPS) requested that the NPRM reference the latest revision of Airbus Service Bulletin A300–24–6103, Revision 02, dated February 7, 2013. UPS stated that Airbus released an operators information transmission in October 2014, which stated that an operator reported that the installation of the clamps was not possible. UPS and FedEx stated that a revised version of the service information should be mandated.

We agree with the commenters' request. Since the NPRM was issued, we have reviewed Airbus Service Bulletin A300–24–6103, Revision 03, dated July 3, 2015, excluding Appendices 01, 02, 03, and 04, Revision 03, dated July 3, 2015; and Airbus Service Bulletin A310–24–2105, Revision 02, dated January 5, 2015, excluding Appendix 01, Revision 02, dated January 5, 2015. Airbus Service Bulletin A300–24–6103, Revision 03, dated July 3, 2015, excluding Appendices 01, 02, 03, and 04, Revision 03, dated July 3, 2015, adds an installation of new bracket assemblies in the shroud box (LH and RH sides) to the modification. Airbus Service Bulletin A310–24–2105, Revision 02, dated January 5, 2015, excluding Appendix 01, Revision 02, dated January 5, 2015, only includes minor changes to the modification. We have updated paragraphs (g) and (h) of this AD accordingly. Similar to the MCAI, credit is not given for Airbus Service Bulletin A300–24–6103, Revision 02, dated February 7, 2013.

Request To Revise Costs of Compliance Section

FedEx requested that we revise the Costs of Compliance section of the NPRM. FedEx stated that the 37 work-hour estimate is consistent with what is specified in Airbus Service Bulletin A300–24–6103, Revision 02, dated February 7, 2013. However, FedEx stated that Airbus Service Bulletin A310–24–2105, Revision 01, dated December 11, 2013, shows an estimate of up to 55.5 work-hours, and does not include preparation and set up time. Airbus also stated that, from their experience, the work-hours tend to be understated compared to the actual time required to accomplish the actions. FedEx commented that it believes an estimate of 60 work-hours is more realistic. FedEx stated that it must be noted that 102 FedEx-registered airplanes are listed in the effectivity section of both service bulletins, and that the overall cost assessment omits the fact that over half of the total U.S. fleet cost will be borne by a single operator.

We agree with the commenter's request to revise the estimated costs of compliance; however, we have used the cost estimate identified in Airbus Service Bulletin A310–24–2105, Revision 02, dated January 5, 2015, excluding Appendix 01, Revision 02, dated January 5, 2015, which does include access and close-up work-hours. We have revised the Costs of Compliance section of this final rule to specify up to 56 work-hours per product to comply with the basic requirements of this AD.

Request To Supersede and Revise the Affected ADs Paragraph of the Proposed AD

FedEx requested that AD 2006–22–07, Amendment 39–14800 (71 FR 62890, October 27, 2006) ("AD 2006–22–07"), be listed as an affected AD in the proposed AD, and that the NPRM supersede AD 2006–22–07. FedEx stated that the manufacturer has linked the NPRM to AD 2006–22–07.

FedEx commented that it has complied with the proposed requirements of the proposed AD, and all but two airplanes were found to be compliant with the clearance requirements specified in the applicable service information. FedEx stated that it has contacted the manufacturer for an approved method of compliance. FedEx stated that Airbus issued an EASA-approved technical adaptation requiring that the affected wire bundles be wrapped and a repetitive inspection be performed until a permanent fix is available. FedEx stated that the permanent fix is "Airbus Service Bulletin A300–24–6103," which was specified in the NPRM.

FedEx commented that the manufacturer has linked the NPRM to AD 2006–22–07 because Airbus Service Bulletin A300–24–6103 will act as terminating action for the requirements of AD 2006–22–07 and the NPRM. FedEx also stated that it thinks that all airplanes that comply with AD 2006–22–07 without requiring additional permanent modifications should be exempt from the NPRM.

We agree that AD 2006–22–07 and this AD are related; however, we disagree with the commenter's request to supersede AD 2006–22–07 and include that AD as an affected AD in paragraph (b) of this AD. We also disagree with the commenter's request to exempt airplanes that comply with AD 2006–22–07 from this AD.

Prior issues of Airbus Service Bulletin A300–24–6103 (issued before Revision 03, dated July 3, 2015) are not acceptable for compliance with this AD because this AD and AD 2006–22–07 address two different unsafe conditions and require different corrective actions. AD 2006–22–07 and prior issues of Airbus Service Bulletin A300–24–6103 (issued before Revision 03, dated July 3, 2015) do not address insufficient clearance of electrical wiring bundles located in the leading and trailing edges of the RH and LH wings, which is the unsafe condition identified in this final rule. Additional actions are required in Airbus Service Bulletin A300–24–6103, Revision 03, dated July 3, 2015, to address the unsafe conditions identified by this final rule that were not addressed on airplanes modified using previous issues of Airbus Service Bulletin A300–24–6103.

Therefore, this final rule will not supersede AD 2006–22–07. Regardless of the findings or corrective actions accomplished in accordance with AD 2006–22–07, the service information in this final rule must still be required. We have not change this final rule in this regard.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A300–24–6103, Revision 03, dated July 3, 2015, excluding Appendices 01, 02, 03, and 04, Revision 03, dated July 3, 2015; and Service Bulletin A310–24–2105, Revision 02, dated January 5, 2015, excluding Appendix 01, Revision 02, dated January 5, 2015. The service information describes procedures for modifying the electrical routing installation at the RH and LH wings. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Explanation of "RC" Procedures and Tests in Service Information

The FAA worked in conjunction with industry, under the Airworthiness Directive Implementation Aviation Rulemaking Committee (ARC), to enhance the AD system. One enhancement was a new process for annotating which procedures and tests in the service information are required for compliance with an AD. Differentiating these procedures and tests from other tasks in the service information is expected to improve an owner's/operator's understanding of crucial AD requirements and help provide consistent judgment in AD compliance. The procedures and tests identified as Required for Compliance (RC) in any service information have a direct effect on detecting, preventing, resolving, or eliminating an identified unsafe condition.

As specified in a NOTE under the Accomplishment Instructions of the specified service information, procedures and tests that are identified as RC in any service information must be done to comply with the AD. However, procedures and tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC will require approval of an AMOC.

Costs of Compliance

We estimate that this AD affects 199 airplanes of U.S. registry.

We also estimate that it will take about 56 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts would cost up to $18,000 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be $4,529,240, or $22,760 per product.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;

2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0775;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2016–07–22 Airbus: Amendment 39–18467. Docket No. FAA–2014–0775; Directorate Identifier 2014–NM–046–AD.

(a) Effective Date

This AD becomes effective May 16, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the airplanes identified in paragraphs (c)(1) and (c)(2) of this AD, certificated in any category.

(1) All Airbus Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes; Model A300 B4–605R and B4–622R airplanes; Model A300 F4–605R and F4–622R airplanes; and Model A300 C4–605R Variant F airplanes.

(2) All Airbus Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 24, Electrical Power.

(e) Reason

This AD was prompted by reports of insufficient clearance for the electrical wiring bundles in the leading and trailing edges of the right-hand (RH) and left-hand (LH) wings. We are issuing this AD to detect and correct insufficient clearance of electrical wiring bundles located in the leading and trailing edges of the RH and LH wings, which could lead to chafing damage and arcing, possibly resulting in an on-board fire.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Modification

Within 30 months after the effective date of this AD: Modify the electrical routing installation at the RH and LH wings in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–24–6103, Revision 03, July 3, 2015, excluding Appendices 01, 02, 03, and 04, Revision 03, dated July 3, 2015; or Airbus Service Bulletin A310–24–2105, Revision 02, dated January 5, 2015, excluding Appendix 01, Revision 02, dated January 5, 2015; as applicable; except as required by paragraph (h) of this AD.

(h) Exception to Service Information

If, during any modification required by paragraph (g) of this AD: Any gap between the structure and the clamp has insufficient clearance, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–24–6103, Revision 03, July 3, 2015, excluding Appendices 01, 02, 03, and 04, Revision 03, dated July 3, 2015; or Airbus Service Bulletin A310–24–2105, Revision 02, dated January 5, 2015, excluding Appendix 01, Revision 02, dated January 5, 2015; as applicable; before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA).

(i) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A310–24–2105, dated March 20, 2013; or Airbus Service Bulletin A310–24–2105, Revision 01, dated December 11, 2013.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–2125; fax (425) 227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (h) of this AD: If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2015–0176, dated August 25, 2015, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0775-0002.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (l)(3) and (l)(4) of this AD.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Airbus Service Bulletin A300–24–6103, Revision 03, dated July 3, 2015, excluding Appendices 01, 02, 03, and 04, Revision 03, dated July 3, 2015.

(ii) Airbus Service Bulletin A310–24–2105, Revision 02, dated January 5, 2015, excluding Appendix 01, Revision 02, dated January 5, 2015.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.*

(4) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on March 24, 2016.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–07373 Filed 4–8–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–4809; Directorate Identifier 2015–NM–012–AD; Amendment 39–18463; AD 2016–07–18]

RIN 2120–AA64

Airworthiness Directives; Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.) Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Defense and Space S.A. Model CN–235–200 and CN–235–300 airplanes. This AD was prompted by reports of false engine fire warning events, which consequently led to engine in-flight shutdowns. This AD requires modification of the location and routing of the engine fire detection system. We are issuing this AD to prevent unnecessary engine in-flight shutdown, which could result in reduced controllability of the airplane.

DATES: This AD becomes effective May 16, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 16, 2016.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–4809; or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this final rule, contact EADS–CASA, Military Transport Aircraft Division (MTAD), Integrated Customer Services (ICS), Technical Services, Avenida de Aragón 404, 28022 Madrid, Spain; telephone +34 91 585 55 84; fax +34 91 585 55 05; email *MTA.TechnicalService@casa.eads.net;* Internet *http://www.eads.net.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425 227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–4809.

FOR FURTHER INFORMATION CONTACT: Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1112; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Defense and Space S.A. Model CN–235–200 and CN–235–300 airplanes. The NPRM published in the **Federal Register** on November 12, 2015 (80 FR 69898) (“the NPRM”). The NPRM was prompted by reports of false engine fire warning events, which consequently led to engine in-flight shutdowns. The NPRM proposed to require modification of the location and routing of the engine fire detection system. We are issuing this AD to prevent unnecessary engine in-flight shutdown, which could result in reduced controllability of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2015–0011, dated January 20, 2015 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for certain Airbus Defense and Space S.A. Model CN–235–200 and CN–235–300 airplanes. The MCAI states:

> Several cases of false engine fire warning events were reported, which consequently led to engine in-flight shut down (IFSD) executed by the flightcrew using the appropriate emergency procedures. Subsequent investigation determined that these false engine fire warnings were the result of insufficient insulation capability of the engine fire detection system. This allowed penetration of moisture into the fire detector connectors, reducing the insulation resistance between the inner electrode and connector housing below the required values.
>
> This condition, if not corrected, could lead to further cases of unnecessary engine IFSD, possibly resulting in reduced control of the aeroplane.
>
> To address this potential unsafe condition, EADS–CASA issued Service Bulletin (SB) SB235–26–0006 providing modification instructions.
>
> For the reasons described above, this [EASA] AD requires modification of the location and routing of the engine fire detection system.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–4809.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR part 51

EADS CASA has issued Service Bulletin SB–235–26–0006, dated July 8, 2014. The service information describes procedures for modifying the engine fire detection system. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

Costs of Compliance

We estimate that this AD affects 24 airplanes of U.S. registry.

We also estimate that it will take about 75 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $1,577 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be $190,848, or $7,952 per product.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–4809; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the ADDRESSES section.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2016–07–18 Airbus Defense and Space S.A. (formerly known as Construcciones Aeronauticas, S.A.): Amendment 39–18463. Docket No. FAA–2015–4809; Directorate Identifier 2015–NM–012–AD.

(a) Effective Date

This AD becomes effective May 16, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus Defense and Space S.A. (formerly known as Construcciones Aeronauticas, S.A.) Model CN–235–200 and CN–235–300 airplanes, certificated in any category, manufacturer serial numbers C–018 through C–211 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 26, Fire Protection.

(e) Reason

This AD was prompted by reports of false engine fire warning events, which consequently led to engine in-flight shutdowns. We are issuing this AD to prevent unnecessary in-flight shutdown of an engine, which could result in reduced controllability of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Modification of Engine Fire Extinguishing/Detection System

Within 18 months after the effective date of this AD: Modify the location and routing of the engine fire detection system, in accordance with the Accomplishment Instructions of EADS CASA Service Bulletin SB–235–26–0006, dated July 8, 2014.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1112; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus Defense and Space S.A's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(i) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2015–0011, dated January 20, 2015, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–4809.

(j) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) EADS CASA Service Bulletin SB–235–26–0006, dated July 8, 2014.

(ii) Reserved.

(3) For service information identified in this AD, contact EADS–CASA, Military

Transport Aircraft Division (MTAD), Integrated Customer Services (ICS), Technical Services, Avenida de Aragón 404, 28022 Madrid, Spain; telephone +34 91 585 55 84; fax +34 91 585 55 05; email *MTA.TechnicalService@casa.eads.net;* Internet *http://www.eads.net.*

(4) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on March 24, 2016.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–07572 Filed 4–8–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–5813; Directorate Identifier 2014–NM–111–AD; Amendment 39–18460; AD 2016–07–15]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Dassault Aviation Model FALCON 7X airplanes. This AD was prompted by a fuel leak that occurred in the baggage compartment during fuel system pressurization. This AD requires opening the fuel boxes and restoring the sealing. We are issuing this AD to prevent failure of a connector or coupling on a fuel line, which, in combination with a leak in the corresponding enclosure (*i.e.,* fuel box), could result in a fire in the baggage compartment and affect the safe flight of the airplane.

DATES: This AD is effective May 16, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 16, 2016.

ADDRESSES: For service information identified in this final rule, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–5813.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–5813; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–1137; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Dassault Aviation Model FALCON 7X airplanes. The NPRM published in the **Federal Register** on November 27, 2015 (80 FR 74056) ("the NPRM"). The NPRM was prompted by a fuel leak that occurred in the baggage compartment during fuel system pressurization. The NPRM proposed to require opening the fuel boxes and restoring the sealing. We are issuing this AD to detect and correct failure of a connector or coupling on a fuel line, which, in combination with a leak in the corresponding enclosure (*i.e.,* fuel box), could result in a fire in the baggage compartment and affect the safe flight of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014–0116, dated May 13, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition for certain Dassault Aviation Model FALCON 7X airplanes. The MCAI states:

> During the fuel system pressurization of a production line Falcon 7X aeroplane, a fuel leak occurred in the baggage compartment. The technical investigations concluded that a double failure of a connector (or coupling) on a fuel line, in combination with a defective fuel tightness of the corresponding enclosure (fuel box), caused the leak.
>
> Failure of the second barrier (fuel box) is a dormant failure, as this will only manifest itself in case of connector (or fuel pipe coupling) failure in flight.
>
> This condition, if not corrected, could result in a fire in the baggage compartment, which would affect the aeroplane safe flight.
>
> To address this potential unsafe condition, Dassault Aviation issued Service Bulletin (SB) F7X–284, which provides instructions to restore the sealing of the Left Hand (LH) and Right Hand (RH) fuel boxes.
>
> For the reasons described above, this [EASA] AD requires opening of the fuel boxes and restoration of the sealing of the fuel boxes to meet the initial design specifications.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–5813.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD as proposed, except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

We reviewed Dassault Service Bulletin 7X–284, Revision 1, dated April 8, 2014. The service information describes procedures for opening the fuel boxes and restoring the sealing. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 39 airplanes of U.S. registry.

We also estimate that it will take about 16 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts are negligible. Based on these figures, we estimate the cost of this AD on U.S. operators to be $53,040, or $1,360 per product.

According to the manufacturer, all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;

2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2016–07–15 Dassault Aviation: Amendment 39–18460. Docket No. FAA–2015–5813; Directorate Identifier 2014–NM–111–AD.

(a) Effective Date

This AD is effective May 16, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Dassault Aviation Model FALCON 7X airplanes, certificated in any category, serial numbers (S/Ns) 1 through 140 inclusive, S/Ns 142 through 156 inclusive, S/Ns 158 through 176 inclusive, S/Ns 178 through 181 inclusive, and S/N 183, 184, 187, 188, 190, 194, and 200.

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Reason

This AD was prompted by a fuel leak that occurred in the baggage compartment during fuel system pressurization. We are issuing this AD to prevent failure of a connector or coupling on a fuel line, which, in combination with a leak in the corresponding enclosure (*i.e.,* fuel box), could result in a fire in the baggage compartment and affect the safe flight of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Open the Fuel Box and Restore the Sealing

Within 98 months after the effective date of this AD, open the left-hand and right-hand fuel boxes and restore the sealing, in accordance with the Accomplishment Instructions of Dassault Service Bulletin 7X–284, Revision 1, dated April 8, 2014.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–1137; fax (425) 227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Dassault Aviation's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(i) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0116, dated May 13, 1014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–5813.

(j) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Dassault Service Bulletin 7X–284, Revision 1, dated April 8, 2014.

(ii) Reserved.

(3) For service information identified in this AD, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.com.*

(4) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on March 25, 2016.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–07571 Filed 4–8–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–1277; Directorate Identifier 2014–NM–155–AD; Amendment 39–18459; AD 2016–07–14]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A319, A320, and A321 series airplanes. This AD is intended to complete certain mandated programs intended to support the airplane reaching its limit of validity (LOV) of the engineering data that support the established structural maintenance program. This AD was prompted by fatigue testing that determined fatigue damage could appear on clips, shear webs, and angles at certain rear fuselage sections and certain frames. This AD requires replacing the clips, shear webs, and angles, including doing all applicable related investigative actions, and repair if necessary. We are issuing this AD to prevent fatigue damage on the clips, shear webs, and angles; such damage could affect the structural integrity of the airplane.

DATES: This AD becomes effective May 16, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 16, 2016.

ADDRESSES: For service information identified in this final rule, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–1277.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. *FAA–2015–1277;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Model A319, A320, and A321 series airplanes. The NPRM published in the **Federal Register** on May 8, 2015 (80 FR 26487) ("the NPRM").

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014–0177, dated July 25, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition for certain Airbus Model A319, A320, and A321 series airplanes. The MCAI states:

> During the A320 fatigue test campaign for Extended Service Goal (ESG), it was determined that fatigue damage could appear on the clips, shear webs and angles at rear fuselage section 19, on Frame (FR) 72 and FR74.
>
> This condition, if not detected and corrected, could affect the structural integrity of the aeroplane.
>
> To address this potential unsafe condition, Airbus developed a modification, which has been published through Airbus Service Bulletin (SB) A320–53–1266 for in-service application to allow aeroplanes to operate up to the new ESG limit.
>
> For the reasons described above, this [EASA] AD requires replacement of the affected clips, shear webs and angles at rear fuselage section 19, FR72 and FR74 [including all applicable related investigative actions and repair if any cracking is found].

Related investigative actions include rotating probe testing for cracking of the fastener holes and high frequency eddy current inspections for cracking of the stringers. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. *FAA–2015–1277.*

Actions Since NPRM was Issued

Since the NPRM was issued, Airbus has issued Airbus Service Bulletin A320–53–1266, Revision 03, dated May 7, 2015. We have revised paragraph (g) of this AD to reference this revised service information. We have revised paragraph (i) of this AD to give credit for actions done before the effective date of this AD using the following service information.

- Airbus Service Bulletin A320–53–1266, dated January 11, 2013.
- Airbus Service Bulletin A320–53–1266, Revision 01, dated June 20, 2013.
- Airbus Service Bulletin A320–53–1266, Revision 02, dated August 13, 2014.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM and the FAA's response to each comment.

Support for the NPRM

An anonymous commenter provided support for the NPRM.

Request To Omit Part Replacement Requirement

United Airlines requested that we revise paragraph (h) of the proposed AD to omit the additional part replacement. United Airlines noted that paragraph (h) of the proposed AD states that the replacement of clips, shear webs, and angles must be accomplished again before 30,000 flight cycles or 60,000 flight hours, whichever occurs first, if the replacement was accomplished before 30,000 flight cycles or 60,000 flight hours, whichever occurred first from airplane's first flight. The commenter stated that this paragraph suggests that the installation of new parts does not constitute terminating action. The commenter expressed that paragraph (g) of the proposed AD has no repetitive requirement for replacement of new parts if accomplished between 30,000 and 48,000 flight cycles or 60,000 and 96,000 flight hours since the airplane's first flight. The commenter suggested that this requirement will encourage operators to replace the part when the airplane has accumulated more than 30,000 total flight cycles and 60,000 total flight hours in order to avoid the possibility of additional part replacement. The commenter added that installation of new parts twice, increases the risk of damage during the part replacement.

United Airlines stated further that the additional replacement in paragraph (h) of the proposed AD could potentially result in the requirement to replace the part twice before the threshold defined in paragraph (g) of the proposed AD. By way of example, the commenter stated that if the part replacement were accomplished before 18,000 flight cycles and 36,000 flight hours since the airplane's first flight, the replacement would be required again before 48,000 flight cycles or 96,000 flight hours since the airplane's first flight. This scenario implies that the new parts reduce the fatigue life compared to an unmodified aircraft. United Airlines stated that it is not clear how the additional replacement in paragraph (h) of the proposed AD meets the intent of the NPRM. The replacement part modification prevents fatigue damage on the clips, shear webs, and angles to support operation reaching the LOV. However, there is no explanation in the AD that these new parts are life limited.

We disagree to omit the additional part replacement required by paragraph (h) of this AD. We agree with United Airlines' assessment that this AD would require replacement of the clips, shear webs, and angles twice, if those parts are first replaced prior to 30,000 total flight cycles or 60,000 total flight hours, whichever occurs first. Replacement of clips, shear webs, and angles prior to 30,000 total flight cycles or 60,000 total flight hours may have been required due to reasons other than this AD. However, this AD does not require replacement of the parts before 30,000 total flight cycles or 60,000 total flight hours. We have determined that if the parts are replaced before 30,000 total flight cycles or 60,000 total flight hours, whichever occurs first, a repeat replacement of those parts is necessary to support the airplane reaching its LOV of the engineering data.

We also disagree that requiring replacement of the parts twice, will increase the risk of damage. The procedures specified in Airbus Service Bulletin A320–53–1266, Revision 03, dated May 7, 2015, for replacing clips, shear webs, and angles are appropriate for supporting the continued operational safety of the affected Airbus fleet and do not introduce additional risk to the structural integrity of the airplane. We have made no changes to this AD in this regard.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

Airbus has issued Airbus Service Bulletin A320–53–1266, Revision 03, dated May 7, 2015. The service information describes procedures for replacing clips, shear webs, and angles at rear fuselage section 19, FR72 and FR74. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 44 airplanes of U.S. registry.

We also estimate that it will take about 110 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $411,400, or $9,350 per product.

We have received no definitive data on the costs of required parts.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2016–07–14 Airbus: Amendment 39–18459. Docket No. FAA–2015–1277; Directorate Identifier 2014–NM–155–AD.

(a) Effective Date

This AD becomes effective May 16, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the airplanes identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, certificated in any category, all manufacturer serial numbers, except those on which Airbus Modification 30975 has been embodied in production.

(1) Airbus Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(2) Airbus Model A320–211, –212, –214, –231, –232, and –233 airplanes.

(3) Airbus Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Reason

This AD was prompted by fatigue testing that determined that fatigue damage could appear on clips, shear webs, and angles at certain rear fuselage sections and certain frames. This AD is intended to complete certain mandated programs intended to support the airplane reaching its limit of validity of the engineering data that support the established structural maintenance program. We are issuing this AD to prevent fatigue damage on the clips, shear webs, and angles, which could affect the structural integrity of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Replacement

At the later of the times specified in paragraphs (g)(1) and (g)(2) of this AD: Replace the clips, shear webs, and angles at rear fuselage section 19, frame FR72 and FR74, and do all applicable related investigative actions before further flight, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1266, Revision 03, dated May 7, 2015. If any crack is found during any related investigative action required by this AD: Before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA).

(1) Before exceeding 48,000 flight cycles or 96,000 flight hours, whichever occurs first since the airplane's first flight.

(2) Within 30 days after the effective date of this AD.

(h) Additional Replacement for Certain Airplanes

For airplanes on which the replacement of clips, shear webs, and angles specified in Airbus Service Bulletin A320–53–1266 is done before accumulating 30,000 flight cycles or 60,000 flight hours, whichever occurred first since the airplane's first flight: Within 30,000 flight cycles or 60,000 flight hours, whichever occurs first after that replacement, do the replacement specified in paragraph (g) of this AD.

(i) Credit for Previous Actions

Except as required by paragraph (h) of this AD: This paragraph provides credit for the replacement required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using the service information identified in paragraph (i)(1), (i)(2), or (i)(3) of this AD. This service information is not incorporated by reference in this AD.

(1) Airbus Service Bulletin A320–53–1266, dated January 11, 2013.

(2) Airbus Service Bulletin A320–53–1266, Revision 01, dated June 20, 2013.

(3) Airbus Service Bulletin A320–53–1266, Revision 02, dated August 13, 2014.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0177, dated July 25, 2014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. *FAA–2015–1277.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (l)(3) and (l)(4) of this AD.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Airbus Service Bulletin A320–53–1266, Revision 03, dated May 7, 2015.

(ii) Reserved.

(3) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.*

(4) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on March 25, 2016.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–07375 Filed 4–8–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–1426; Directorate Identifier 2013–NM–200–AD; Amendment 39–18462; AD 2016–07–17]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 97–20–07 for certain Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). AD 97–20–07 required repetitive inspections to detect fatigue cracking in the left and right wings in the area where the top skin attaches to the center spar, and repair or modification of this area if necessary. This new AD reduces the inspection compliance time and repetitive inspection intervals. This AD was prompted by a determination that the inspection compliance time and repetitive inspection interval must be reduced to allow timely detection of fatigue cracking in the left and right wings in the area where the top skin attaches to the center spar. We are issuing this AD to detect and correct this fatigue cracking, which could reduce the residual strength of the top skin of the wings, and consequently

affect the structural integrity of the airframe.

DATES: This AD becomes effective May 16, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 16, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of October 30, 1997 (62 FR 50251, September 25, 1997).

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–1426.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–1426; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 97–20–07, Amendment 39–10145 (62 FR 50251, September 25, 1997) (“AD 97–20–07”). AD 97–20–07 applied to certain Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). The NPRM published in the **Federal Register** on June 5, 2015 (80 FR 32058) (“the NPRM”). The NPRM was prompted by a determination that the inspection compliance time and repetitive inspection interval must be reduced to allow timely detection of fatigue cracking in the left and right wings in the area where the top skin attaches to the center spar. The NPRM proposed to continue to require repetitive inspections to detect fatigue cracking in the left and right wings in the area where the top skin attaches to the center spar, and repair or modification of this area if necessary. The NPRM also proposed to reduce the inspection compliance time and repetitive inspection intervals. We are issuing this AD to detect and correct this fatigue cracking, which could reduce the residual strength of the top skin of the wings, and consequently affect the structural integrity of the airframe.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2013–0221, dated September 19, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for certain Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). The MCAI states:

> During fatigue tests conducted in the early 1990’s, cracks were found on the top skin of the wing at the centre spar joint between ribs 1 and 7.
>
> Consequently, Airbus developed production mod. 10089 and issued Service Bulletin (SB) A300–57–6041, involving installation of a reinforcing plate on the affected area. Despite this improvement, subsequent cases of cracks were reported by operators.
>
> This condition, if not detected and corrected, could adversely affect the structural integrity of the aeroplane.
>
> To address this potential unsafe condition, Airbus issued SB A300–57–6044 and DGAC [Direction Générale de l’Aviation Civile] France issued * * * [an airworthiness directive] (later revised twice) to require repetitive inspections of the affected area and, depending on findings, accomplishment of applicable corrective action(s).
>
> Since [the French] * * * [airworthiness directive] [which corresponds to FAA AD 97–20–07, Amendment 39–10145 (62 FR 50251, September 25, 1997)] was issued, a fleet survey and updated Fatigue and Damage Tolerance Analyses were performed in order to substantiate the second A300–600 Extended Service Goal (ESG2) exercise. The results of these analyses have shown that the inspection thresholds and intervals must be reduced to allow timely detection of these cracks and accomplishment of an applicable corrective action. Prompted by these findings, Airbus issued SB A300–57–6044 Revision 04 [dated August 19, 2011].
>
> For the reasons described above, this [EASA] AD retains the requirements of [the French AD] * * * which is superseded, but requires the repetitive inspections to be accomplished at reduced thresholds and intervals and, depending on findings, corrective actions.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–1426.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Changes Made to This Final Rule

Paragraph (m)(2) of the proposed AD inadvertently included the corrective action for the low frequency eddy current (LFEC) inspections for cracking specified in paragraphs (k) and (l) of the proposed AD; however, the corrective action in paragraph (m)(2) of this AD applies only to the new high frequency eddy current (HFEC) inspections required by this AD. We have revised paragraph (m)(2) of this AD to specify the corrective action for the HFEC inspections for cracking specified in paragraphs (i), (j), and (m)(1) of this AD. We have added new paragraph (m)(4) of this AD to specify the corrective actions for the LFEC inspections specified in paragraphs (k) and (l) of this AD.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting this AD with the changes described previously and minor editorial changes. We have determined that these changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A300–57–6044, Revision 04, dated August 19, 2011, including Appendix 01, Revision 04, dated August 19, 2011. The service information describes procedures for inspections to detect fatigue cracking in the left and right wings in the area where the top skin attaches to the center spar, and repair or modification of this area. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 47 airplanes of U.S. registry.

The actions required by AD 97–20–07, and retained in this AD take about 3 work-hours per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that were required by AD 97–20–07 is $255 per product.

We also estimate that it will take about 5 work-hours per product to comply with the new basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $19,975, or $425 per product

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this AD.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 97–20–07, Amendment 39–10145 (62 FR 50251, September 25, 1997), and adding the following new AD:

2016–07–17 Airbus: Amendment 39–18462. Docket No. FAA–2015–1426; Directorate Identifier 2013–NM–200–AD.

(a) Effective Date

This AD becomes effective May 16, 2016.

(b) Affected ADs

This AD replaces AD 97–20–07, Amendment 39–10145 (62 FR 50251, September 25, 1997) ("AD 97–20–07").

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1) through (c)(4) of this AD, certificated in any category, all manufacturer serial numbers except those on which Airbus Modification 10160 has been done in production.

(1) Airbus Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes.

(2) Airbus Model A300 B4–605R and B4–622R airplanes.

(3) Airbus Model A300 F4–605R and F4–622R airplanes.

(4) Airbus Model A300 C4–605R Variant F airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Reason

This AD was prompted by a determination that the inspection compliance time and repetitive inspection interval must be reduced to allow timely detection of fatigue cracking in the left and right wings in the area where the top skin attaches to the center spar. We are issuing this AD to detect and correct this fatigue cracking, which could reduce the residual strength of the top skin of the wings, and consequently affect the structural integrity of the airframe.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Retained Repetitive Inspections and Corrective Actions, With Revised Service Information

This paragraph restates the requirements of paragraph (a) of AD 97–20–07, with revised service information. For airplanes on which Airbus Modification 10089 has not been installed: Prior to the accumulation of 18,000 total landings, or within 1,500 landings after October 30, 1997 (the effective date of AD 97–20–07), whichever occurs later, conduct either a detailed visual inspection or a high frequency eddy current (HFEC) inspection to detect fatigue cracking in the left and right wings in the area where the top skin attaches to the center spar between ribs 1 and 7, in accordance with Airbus Service Bulletin A300–57–6044, Revision 2, dated September 6, 1995, including Appendix 1, Revision 1, dated November 25, 1994; or Airbus Service Bulletin A300–57–6044, Revision 04, dated August 19, 2011, including Appendix 01, Revision 04, dated August 19, 2011. As of the effective date of this AD, use only Airbus Service Bulletin A300–57–6044, Revision 04, dated August 19, 2011, including Appendix 01, Revision 04, dated August 19, 2011. Accomplishment of the inspection required by paragraph (i) of this AD terminates the inspection requirements of this paragraph.

(1) If no cracking is detected, conduct repetitive inspections thereafter at the following intervals:

(i) If the immediately preceding inspection was conducted using detailed visual inspection techniques, conduct the next inspection within 5,000 landings.

(ii) If the immediately preceding inspection was conducted using HFEC techniques, conduct the next inspection within 9,500 landings.

(2) If any cracking is detected or suspected during any detailed visual inspection required by the introductory text of paragraph (g), paragraph (g)(1), or paragraph (g)(3)(i) of this AD, prior to further flight, confirm this finding and the length of this cracking by conducting an HFEC inspection, in accordance with Airbus Service Bulletin A300–57–6044, Revision 2, dated September 6, 1995, including Appendix 1, Revision 1, dated November 25, 1994; or Airbus Service Bulletin A300–57–6044, Revision 04, dated August 19, 2011, including Appendix 01, Revision 04, dated August 19, 2011. As of the effective date of this AD, use only Airbus Service Bulletin A300–57–6044, Revision 04, dated August 19, 2011, including Appendix 01, Revision 04, dated August 19, 2011. If no cracking is confirmed during the HFEC inspection, accomplish the repetitive inspection required by paragraph (g)(1)(ii) of this AD at the time specified in that paragraph.

(3) If any cracking is detected or confirmed during any HFEC inspection required by the introductory text of paragraph (g), paragraph (g)(1), or paragraph (g)(2) of this AD:

(i) If the cracking is 75 millimeters (mm) or less per rib bay, prior to further flight, repair in accordance with Airbus Service Bulletin A300–57–6044, Revision 2, dated September 6, 1995, including Appendix 1, Revision 1, dated November 25, 1994; or Airbus Service Bulletin A300–57–6044, Revision 04, dated August 19, 2011, including Appendix 01, Revision 04, dated August 19, 2011. As of the effective date of this AD, use only Airbus Service Bulletin A300–57–6044, Revision 04, dated August 19, 2011, including Appendix 01, Revision 04, dated August 19, 2011. Thereafter, conduct repetitive detailed visual inspections of the repaired area at intervals not to exceed 50 landings, in accordance with Airbus Service Bulletin A300–57–6044, Revision 2, dated September 6, 1995, including Appendix 1, Revision 1, dated November 25, 1994; or Airbus Service Bulletin A300–57–6044, Revision 04, dated August 19, 2011, including Appendix 01, Revision 04, dated August 19, 2011. As of the effective date of this AD, use only Airbus Service Bulletin A300–57–6044, Revision 04, dated August 19, 2011, including Appendix 01, Revision 04, dated August 19, 2011.

(ii) If the cracking exceeds 75 mm per rib bay, prior to further flight, install Airbus Modification 10089, in accordance with Airbus Service Bulletin A300–57–6044, Revision 2, dated September 6, 1995, including Appendix 1, Revision 1, dated November 25, 1994; or Airbus Service Bulletin A300–57–6044, Revision 04, dated August 19, 2011, including Appendix 01, Revision 04, dated August 19, 2011. As of the effective date of this AD, use only Airbus Service Bulletin A300–57–6044, Revision 04, dated August 19, 2011, including Appendix 01, Revision 04, dated August 19, 2011. Thereafter, conduct a low frequency eddy current (LFEC) inspection in accordance with the requirements of paragraph (h) of this AD.

Note 1 to paragraph (g) of this AD: Airbus Service Bulletin A300–57–6044, Revision 2, dated September 6, 1995, including Appendix 1, Revision 1, dated November 25, 1994, references Airbus Service Bulletin A300–57–6041, Revision 4, dated November 16, 1995, as an additional source of guidance for installing Airbus Modification 10089.

(h) Retained Repetitive Inspections and Corrective Actions for Certain Airplanes, With Revised Service Information and Repair Instructions

This paragraph restates the requirements of paragraph (b) of AD 97–20–07, with revised service information and repair instructions. For airplanes on which Airbus Modification 10089 has been installed: Prior to the accumulation of 22,000 total landings after this modification has been installed, or within 1,500 landings after October 30, 1997 (the effective date of AD 97–20–07), whichever occurs later, conduct a LFEC inspection to detect fatigue cracking in the inboard and rear edges of the top skin reinforcing plates, in accordance with Airbus Service Bulletin A300–57–6044, Revision 2, dated September 6, 1995, including Appendix 1, Revision 1, dated November 25, 1994; or Airbus Service Bulletin A300–57–6044, Revision 04, dated August 19, 2011, including Appendix 01, Revision 04, dated August 19, 2011. As of the effective date of this AD, use only Airbus Service Bulletin A300–57–6044, Revision 04, dated August 19, 2011, including Appendix 01, Revision 04, dated August 19, 2011. Accomplishment of the inspection required by paragraph (k) of this AD terminates the inspection requirements of this paragraph.

(1) If no cracking is detected, repeat this inspection thereafter at intervals not to exceed 11,000 landings.

(2) If any cracking is detected, prior to further flight, repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113, Transport Airplane Directorate, FAA. As of the effective date of this AD, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). Thereafter, repeat this inspection at intervals not to exceed 11,000 landings.

(i) New Requirement of This AD: Initial Inspections

For airplanes on which Airbus Modification 10089 has not been installed: At the applicable time specified in paragraphs (i)(1) and (i)(2) of this AD, do either a detailed visual inspection or an HFEC inspection to detect fatigue cracking in the left and right wings in the area where the top skin attaches to the center spar between ribs 1 and 7, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–6044, Revision 04, dated August 19, 2011, including Appendix 01, Revision 04, dated August 19, 2011. Accomplishment of the inspection required by this paragraph terminates the inspection requirements of paragraph (g) of this AD.

(1) For airplanes whose flight time average is equal to or more than 1.5 hours, at the later of the times specified in paragraphs (i)(1)(i) and (i)(1)(ii) of this AD.

(i) Before the accumulation of 14,000 total flight cycles or 30,300 total flight hours, whichever occurs first.

(ii) Within 1,500 flight cycles or 3,200 flight hours after the effective date of this AD, whichever occurs first.

(2) For airplanes whose flight time average is less than 1.5 hours, at the later of the times specified in paragraphs (i)(2)(i) and (i)(2)(ii) of this AD.

(i) Before the accumulation of 15,100 total flight cycles or 22,700 total flight hours, whichever occurs first.

(ii) Within 1,600 flight cycles or 2,500 flight hours after the effective date of this AD, whichever occurs first.

(j) New Requirement of This AD: Repetitive Inspections

Repeat the inspections specified in paragraph (i) of this AD thereafter at the applicable interval specified in paragraphs (j)(1) and (j)(2) of this AD.

(1) For airplanes whose flight time average is equal to or more than 1.5 hours, at the applicable interval specified in paragraphs (j)(1)(i) and (j)(1)(ii) of this AD.

(i) For a detailed visual inspection, at intervals not to exceed 3,900 flight cycles or 8,400 flight hours, whichever occurs first.

(ii) For an HFEC inspection, at intervals not to exceed 7,400 flight cycles or 16,000 flight hours, whichever occurs first.

(2) For airplanes whose flight time average is less than 1.5 hours, at the applicable interval specified in paragraphs (j)(2)(i) and (j)(2)(ii) of this AD.

(i) For a detailed visual inspection, at intervals not to exceed 4,200 flight cycles or 6,300 flight hours, whichever occurs first.

(ii) For an HFEC inspection, at intervals not to exceed 8,000 flight cycles or 11,900 flight hours, whichever occurs first.

(k) New Requirement of This AD: Initial Inspection for Certain Airplanes

For airplanes on which Airbus Modification 10089 has been installed: At the applicable time specified in paragraphs (k)(1) and (k)(2) of this AD, do an LFEC inspection to detect fatigue cracking in the inboard and rear edges of the top skin reinforcing plates, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–6044, Revision 04, dated August 19, 2011, including Appendix 01, Revision 04, dated August 19, 2011. Accomplishment of the inspection required by this paragraph terminates the inspection requirements of paragraph (h) of this AD.

(1) For airplanes whose flight time average is equal to or more than 1.5 hours, at the later of the times specified in paragraphs (k)(1)(i) and (k)(1)(ii) of this AD.

(i) Before the accumulation of 17,000 total flight cycles or 37,100 total flight hours, whichever occurs first.

(ii) Within 1,500 flight cycles or 3,200 flight hours after the effective date of this AD, whichever occurs first.

(2) For airplanes whose flight time average is less than 1.5 hours, at the later of the times specified in paragraphs (k)(2)(i) and (k)(2)(ii) of this AD.

(i) Before the accumulation of 18,500 total flight cycles or 27,800 total flight hours, whichever occurs first.

(ii) Within 1,600 flight cycles or 2,500 flight hours after the effective date of this AD, whichever occurs first.

(l) New Requirement of This AD: Repetitive Inspections for Certain Airplanes

Repeat the inspection specified in paragraph (k) of this AD thereafter at the applicable interval specified in paragraphs (l)(1) and (l)(2) of this AD.

(1) For airplanes whose flight time average is equal to or more than 1.5 hours, at intervals not to exceed 8,500 flight cycles or 18,500 flight hours, whichever occurs first.

(2) For airplanes whose flight time average is less than 1.5 hours, at intervals not to exceed 9,200 flight cycles or 13,700 flight hours, whichever occurs first.

(m) New Requirement of This AD: Corrective Actions

(1) If any cracking is detected or suspected during any detailed inspection required by paragraph (i) or (j) of this AD: Before further flight, confirm this finding and the length of

this cracking by conducting an HFEC inspection, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–6044, Revision 04, dated August 19, 2011, including Appendix 01, Revision 04, dated August 19, 2011, except as specified in paragraph (o) of this AD. If no cracking is confirmed during the HFEC inspection, accomplish the applicable repetitive inspections required by paragraphs (j) and (l) of this AD at the applicable time specified in those paragraphs.

(2) If any cracking is found during any HFEC inspection required by paragraph (i), (j), or (m)(1) of this AD: Before further flight, do the applicable actions specified in paragraphs (m)(2)(i) and (m)(2)(ii) of this AD.

(i) If the cracking is 75 mm or less per each rib bay: Before further flight, repair the cracking, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–6044, Revision 04, dated August 19, 2011, including Appendix 01, Revision 04, dated August 19, 2011, except as specified in paragraph (o) of this AD. Do repetitive detailed inspections of the repaired area thereafter at intervals not to exceed 50 flight cycles or 110 flight hours, whichever occurs first, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–6044, Revision 04, dated August 19, 2011, including Appendix 01, Revision 04, dated August 19, 2011. Within 250 flight cycles or 550 flight hours, whichever occurs first after doing the temporary repair, do a permanent repair of the repaired area, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–6044, Revision 04, dated August 19, 2011, including Appendix 01, Revision 04, dated August 19, 2011.

(ii) If the cracking exceeds 75 mm per any rib bay: Before further flight, install Airbus Modification 10089, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–6044, Revision 04, dated August 19, 2011, including Appendix 01, Revision 04, dated August 19, 2011. Do an LFEC inspection thereafter at the intervals specified in paragraph (l) of this AD.

(3) If any cracking is found during any inspection required by this AD at fastener hole 1A, 1, or 2: Before further flight, repair the cracking, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–6044, Revision 04, dated August 19, 2011, including Appendix 01, Revision 04, dated August 19, 2011.

(4) If any cracking is found during any LFEC inspection required by paragraph (k) or (l) of this AD: Before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA.

(n) Credit for Previous Actions

This paragraph provides credit for actions required by paragraphs (i) through (l) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A300–57–6044, Revision 03, dated April 7, 1999, including Appendix 01, Revision 03, dated April 7, 1999, which is not incorporated by reference in this AD.

(o) Exception to Service Information Specification

Although Airbus Service Bulletin A300–57–6044, Revision 04, dated August 19, 2011, including Appendix 01, Revision 04, dated August 19, 2011, specifies to submit information to Airbus, this AD does not require that submission.

(p) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(q) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2013–0221, dated September 19, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–1426.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (r)(5) and (r)(6) of this AD.

(r) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(3) The following service information was approved for IBR on May 16, 2016

(i) Airbus Service Bulletin A300–57–6044, Revision 04, dated August 19, 2011, including Appendix 01, Revision 04, dated August 19, 2011.

(ii) Reserved.

(4) The following service information was approved for IBR on October 30, 1997 (62 FR 50251, September 25, 1997).

(i) Airbus Service Bulletin A300–57–6044, Revision 2, dated September 6, 1995, including Appendix 1, Revision 1, dated November 25, 1994. Pages 1 through 8 of this document are identified as Revision 2, dated September 6, 1995; pages 9 and 10 are identified as original, dated March 1, 1993. Page 1 of Appendix 1 is identified as Revision 1, dated November 25, 1994; and pages 2 through 6 are identified as original, dated March 1, 1993.

(ii) Reserved.

(5) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.*

(6) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(7) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on March 24, 2016.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–07574 Filed 4–8–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–5457; Directorate Identifier 2016–CE–008–AD; Amendment 39–18469; AD 2016–07–24]

RIN 2120–AA64

Airworthiness Directives; Textron Aviation, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Textron Aviation, Inc. Models 310 through 310R, E310H, E310J, T310P through T310R, 310J–1, 320 through 320F, 320–1, 335, 340, 340A, 401 through 401B, 402 through 402C, 411, 411A, 414, 414A, and 421 through 421C

airplanes (type certificates 3A10, 3A25, and A7CE previously held by Cessna Aircraft Company). This AD requires replacement and repetitive inspections of the hardware securing the elevator trim push-pull rod. This AD was prompted by lessons learned in accident investigation support, analysis of past accidents, and NTSB determinations of probable cause. That information indicates that following the loss of the attachment hardware connecting the elevator trim tab actuator to the elevator trim tab push-pull rod, the elevator tab may jam in a position outside the normal limits of travel. We are issuing this AD to correct the unsafe condition on these products.

DATES: This AD is effective April 26, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 26, 2016.

We must receive comments on this AD by May 26, 2016.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this final rule, contact Textron Aviation Customer Service, P.O. Box 7706, Wichita, Kansas 67277; telephone: (316) 517–5800; fax: (316) 517–7271; email: *customercare@txtav.com;* Internet: *https://support.cessna.com/custsupt/csupport/newlogin.jsp.* You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5457.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5457; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Adam Hein, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 S. Airport Road, Room 100, Wichita, Kansas 67209; phone: (316) 946–4116; fax: (316) 946–4107; email: *adam.hein@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

This AD was prompted by accident reports on Textron Aviation, Inc. Models T310Q, 310Q, and 402B airplanes. Lessons learned in the accident investigation support, analysis of past accidents, and NTSB determinations of probable cause indicate that following the loss of the attachment hardware connecting the elevator trim tab actuator to the elevator trim tab push-pull rod, the elevator tab may jam in a position outside the normal limits of travel.

This condition, if not corrected, could result in a loss of the ability to control the airplane. We are issuing this AD to correct the unsafe condition on these products.

Related Service Information Under 1 CFR Part 51

We reviewed Textron Aviation, Inc. (Cessna Aircraft Company) Multi-engine Service Bulletin No. MEB–27–02, dated February 29, 2016. The service information describes procedures for replacing the hardware connecting the elevator trim push-pull rod to the elevator trim actuator and elevator trim tab. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this AD.

FAA's Determination

We are issuing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

AD Requirements

This AD requires replacement and repetitive inspection of the elevator trim tab push-pull rod connecting hardware.

Differences Between the AD and the Service Information

Due to the immediate safety of flight condition of this AD action, we are requiring replacement of the hardware within 90 days after the effective date of this AD rather than the potential of up to a year as allowed in the service information.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because the loss of the attachment hardware connecting the elevator trim tab actuator to the elevator trim tab push-pull rod may result in jamming of the elevator trim tab beyond normal limits, which could result in loss of ability to control the airplane. Therefore, we find that notice and opportunity for prior public comment are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2016–5457 and Directorate Identifier 2016–CE–008–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

Costs of Compliance

We estimate that this AD affects 5,066 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Elevator trim push-pull rod hardware replacement.	1 work-hour × $85 per hour = $85	$18.50	$103.50	$524,331
Repetitive Inspection	1 work-hour × $85 per hour = $85		85	430,610

We estimate the following costs to do any necessary replacements that would be required based on the results of the inspection. This is the same replacement that is initially required by this AD. We have no way of determining the number of aircraft that might need this repetitive on-condition replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Elevator trim push-pull rod hardware replacement	1 work-hour × $85 per hour = $85	$18.50	$103.50

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs" describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a "significant regulatory action" under Executive Order 12866,

(2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2016–07–24 Textron Aviation, Inc.: Amendment 39–18469; Docket No. FAA–2016–5457; Directorate Identifier 2016–CE–008–AD.

(a) Effective Date

This AD is effective April 26, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Textron Aviation, Inc. Models 310 through 310R, E310H, E310J, T310P through T310R, 310J–1, 320 through 320F, 320–1, 335, 340, 340A, 401 through 401B, 402 through 402C, 411, 411A, 414, 414A, and 421 through 421C airplanes (type certificates 3A10, 3A25, and A7CE previously held by Cessna Aircraft Company), all serial numbers, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 2731, Elevator Tab Control System.

(e) Unsafe Condition

This AD was prompted by lessons learned in accident investigation support, analysis of past accidents, and NTSB determinations of probable cause. That information confirms that following the loss of the attachment hardware connecting the elevator trim tab actuator to the elevator trim tab push-pull rod, the elevator tab may jam in a position outside the normal limits of travel and could result in loss of control. We are issuing this AD to correct the unsafe condition on these products.

(f) Actions and Compliance

Unless already done, do the actions in paragraphs (f)(1) through (f)(3) of this AD within the compliance times specified.

(1) Within the next 90 days after April 26, 2016 (the effective date of this AD), replace the elevator trim push-pull rod attachment hardware on the elevator trim actuator and the trim tab ends of the push-pull rod following steps 2 through 5 of the accomplishment instructions in Textron Aviation, Inc. (Cessna) Multi-engine Service Bulletin No. MEB–27–02, dated February 29, 2016.

(2) Following the replacement required in paragraph (f)(1) of this AD, at intervals not to exceed 100 hours TIS or 12 months, whichever occurs first, repetitively inspect the elevator trim push-pull rod attachment hardware on the elevator trim actuator and the trim tab ends of the push-pull rod, and replace the hardware if necessary before further flight following the Compliance NOTE on page 1 of Textron Aviation, Inc. (Cessna) Multi-engine Service Bulletin No. MEB–27–02, dated February 29, 2016.

(3) After April 26, 2016 (the effective date of this AD), any time the elevator trim push-pull rod attachment hardware on the elevator trim actuator and/or trim tab ends of the push-pull rod is removed for any reason, discard the old hardware (bolt, nut, washer and cotter pin) and replace with new hardware following steps 3 and/or step 5 of

Textron Aviation, Inc. (Cessna) Multi-engine Service Bulletin No. MEB–27–02, dated February 29, 2016.

(g) Special Flight Permit

Special flight permits are allowed for this AD per 14 CFR 39.23 with the following limitation: Before flight a pre-flight inspection is required of the attachment hardware connecting the elevator trim tab actuator to the elevator trim tab push-pull rod. Confirmation of the presence of a castellated nut and cotter pin is required.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Wichita ACO, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (i) of this AD.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(i) Related Information

For more information about this AD, contact Adam Hein, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 S. Airport Road, Room 100, Wichita, Kansas 67209; phone: (316) 946–4116; fax: (316) 946–4107; email: *adam.hein@faa.gov*.

(j) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Textron Aviation, Inc. (Cessna) Multi-engine Service Bulletin No. MEB–27–02, dated February 29, 2016.

(ii) Reserved.

(3) For Textron Aviation, Inc. (Cessna) service information identified in this AD, contact Textron Aviation Customer Service, P.O. Box 7706, Wichita, Kansas 67277; telephone: (316) 517–5800; fax: (316) 517–7271; email: *customercare@cessna.textron.com;* Internet: *https://support.cessna.com/custsupt/csupport/newlogin.jsp*

(4) You may view this service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5457.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Kansas City, Missouri, on March 30, 2016.

Jacqueline Jambor,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–07798 Filed 4–8–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–5458; Directorate Identifier 2016–NM–027–AD; Amendment 39–18473; AD 2016–07–28]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for all The Boeing Company Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) airplanes, and Model MD–88 airplanes. This AD requires repetitive eddy current high frequency (ETHF) inspections for any cracking in the left and right side center wing lower skin, and corrective actions if necessary. This AD was prompted by reports of cracking at certain stringers, associated end fittings, and skins in the center wing fuel tank where the stringers meet the end fittings. We are issuing this AD to detect and correct cracking in the center wing lower skin. Such cracking could cause structural failure of the wings.

DATES: This AD is effective April 26, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 26, 2016.

We must receive comments on this AD by May 26, 2016.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800–0019, Long Beach, CA 90846–0001; telephone 206–544–5000, extension 2; fax 206–766–5683; Internet *https://www.myboeingfleet.com*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5458.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5458; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Haytham Alaidy, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5224; fax: 562–627–5210; email: *haytham.alaidy@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We have received reports of cracks at stringers S–15, S–16, or S–17, associated end fittings, and skins in the center wing fuel tank where the stringers meet the end fittings near Xcw=13 and Xcw=15. If stringer S–15, S–16, or S–17 is cracked in this area and there is a crack in the skin adjacent to the stringer crack, the skin crack could grow to a critical length before it can be found by routine maintenance inspections. This condition, if not corrected, could result in structural failure of the wings. We are issuing this AD to correct the unsafe condition on these products.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin MD80–57A244, dated March 3, 2016. The service information describes procedures for repetitive ETHF inspections for any cracking in the left and right side center wing lower skin, and corrective actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

We are issuing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of these same type designs.

AD Requirements

This AD requires accomplishing the actions specified in the service information described previously, except as discussed under "Differences Between this AD and the Service Information. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5458.

The phrase "corrective actions" is used in this AD. Corrective actions correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Differences Between This AD and the Service Information

Boeing Alert Service Bulletin MD80–57A244, dated March 3, 2016, specifies to contact the manufacturer for certain instructions, but this AD requires accomplishment of repair methods, modification deviations, and alteration deviations in one of the following ways:

- In accordance with a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) whom we have authorized to make those findings.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because we have received reports indicating cracking at certain stringers, associated end fittings, and skins in the center wing fuel tank where the stringers meet the end fittings. This condition, if not corrected, could cause structural failure of the wings.

Therefore, we find that notice and opportunity for prior public comment are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2016–5458 and Directorate Identifier 2016–NM–027–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

Costs of Compliance

We estimate that this AD affects 395 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	14 work-hours × $85 per hour = $1,190 per inspection cycle.	$0	$1,190 per inspection cycle	$470,050 per inspection cycle.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this AD.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs" describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a "significant regulatory action" under Executive Order 12866,

(2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2016–07–28 The Boeing Company: Amendment 39–18473; Docket No. FAA–2016–5458; Directorate Identifier 2016–NM–027–AD.

(a) Effective Date

This AD is effective April 26, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) airplanes, and Model MD–88 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by reports of cracking at certain stringers, associated end fittings, and skins in the center wing fuel tank where the stringers meet the end fittings. We are issuing this AD to detect and correct cracking in the center wing lower skin. Such cracking could cause structural failure of the wings.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Inspection

Except as required by paragraph (h)(1) and (h)(2) of this AD, at the applicable time specified in paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin MD80–57A244, dated March 3, 2016: Do an eddy current high frequency (ETHF) inspection for any cracking in the left and right side center wing lower skin, and do all applicable corrective actions; except as required by paragraph (h)(3) of this AD. Do all applicable corrective actions before further flight. Repeat the inspection thereafter at the intervals specified in paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin MD80–57A244, dated March 3, 2016.

(h) Exception to the Service Information

(1) Where Boeing Alert Service Bulletin MD80–57A244, dated March 3, 2016, specifies a compliance time "after the original issue date of this service bulletin," this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) The Condition column of paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin MD80–57A244, dated March 3, 2016, refers to total flight cycles "as of the original issue date of this service bulletin." This AD, however, applies to the airplanes with the specified total flight cycles as of the effective date of this AD.

(3) If any crack is found during any inspection required by this AD, and Boeing Alert Service Bulletin MD80–57A244, dated March 3, 2016, specifies to contact Boeing for appropriate action, and specifies that action as "RC" (Required for Compliance): Before further flight, repair using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (j) of this AD. Information may be emailed to: *9-ANM-LAACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) Except as required by paragraph (h)(3) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (i)(4)(i) and (i)(4)(ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(j) Related Information

For more information about this AD, contact Haytham Alaidy, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5224; fax: 562–627–5210; email: *haytham.alaidy@faa.gov.*

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Boeing Alert Service Bulletin MD80–57A244, dated March 3, 2016.

(ii) Reserved.

(3) For Boeing service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800–0019, Long Beach, CA 90846–0001; telephone 206–544–5000, extension 2; fax 206–766–5683; Internet *https://www.myboeingfleet.com.*

(4) You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on March 30, 2016.

Victor Wicklund,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–07842 Filed 4–8–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–4817; Directorate Identifier 2014–NM–115–AD; Amendment 39–18465; AD 2016–07–20]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 95–18–08 for all Airbus Model A300–600 series airplanes. AD 95–18–08 required repetitive inspections to detect cracks in the bottom skin of the wing in the area of the cut-out for the pylon rear attachment fitting, and repair if necessary. This new AD, for certain

airplanes, reduces the compliance times for the inspections. This AD was prompted by a report that updated fatigue and damage tolerance analyses and a fleet survey found that certain inspection thresholds and intervals must be reduced to allow more timely findings of cracking. We are issuing this AD to detect and correct fatigue-related cracking in the bottom skin of the wing in the area of the cut-out for the pylon rear attachment fitting, which could result in reduced structural integrity of the wing.

DATES: This AD becomes effective May 16, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 16, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of October 16, 1995 (60 FR 47677, September 14, 1995).

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2015-4817;* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–4817.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 95–18–08, Amendment 39–9355 (60 FR 47677, September 14, 1995) (“AD 95–18–08”). AD 95–18–08 applied to all Airbus Model A300–600 series airplanes (which includes Airbus Model A300 C4–605R Variant F airplanes), Model A300 B4–622 airplanes, and Model A300 F4–622R airplanes that were added to the U.S. Type Certificate Data Sheet since issuance of AD 95–18–08. The NPRM published in the **Federal Register** on November 19, 2015 (80 FR 72395) (“the NPRM” or “the proposed AD”). The NPRM was prompted by a report that updated fatigue and damage tolerance analyses and a fleet survey found that certain inspection thresholds and intervals must be reduced to allow more timely findings of cracking. The NPRM proposed to continue to require repetitive inspections to detect cracks in the bottom skin of the wing in the area of the cut-out for the pylon rear attachment fitting, and repair if necessary. The NPRM also proposed, for certain airplanes, reduce the compliance times for the inspections. We are issuing this AD to detect and correct such fatigue-related cracking in the bottom skin of the wing in the area of the cut-out for the pylon rear attachment fitting, which could result in reduced structural integrity of the wing.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014–0119, dated May 13, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition on all Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). The MCAI states:

> Full-scale fatigue tests carried out on the A300–600 test specimen by Airbus revealed crack initiation in the bottom skin adjacent to the aft pylon attachment fitting.
>
> This condition, if not detected and corrected, could affect the structural integrity of the aeroplane.
>
> To address this unsafe condition, DGAC [Direction Générale de l'Aviation Civile] France issued AD 94–069–158(B) (*http://ad.easa.europa.eu/blob/1994069158tb_superseded.pdf/AD_F-1994-069-158_2*) [which corresponds to FAA AD 95–18–08, Amendment 39–9355 (60 FR 47677, September 14, 1995)] to require repetitive detailed visual inspections (DVI) of the wing bottom skin in the area of the cut-out for the pylon rear attachment fitting on Left Hand (LH) and Right Hand (RH) wings [to detect cracks, and repair if necessary].
>
> Since that [DGAC] AD was issued, a fleet survey and updated Fatigue and Damage Tolerance analyses have been performed in order to substantiate the second A300–600 Extended Service Goal (ESG2) exercise. As a result, it was revealed that the inspection threshold and interval must be reduced to allow timely detection of cracks and the accomplishment of an applicable corrective action. Prompted by these findings, Airbus issued Revision 07 of Service Bulletin (SB) A300–57–6028.
>
> For the reasons described above, this [EASA] AD retains the requirements of DGAC France AD 94–069–158(B), which is superseded, but reduces the inspection thresholds and intervals [*e.g.*, compliance times].

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2015-4817-0002.*

Comment

The following presents the comment received on the NPRM and the FAA's response to the comment.

Statement on Fleet Activity

FedEx Express (FedEx) stated that the NPRM will affect 71 Model A300 airplanes in its fleet. FedEx stated that 42 of its Model A300–F4 airplanes have not reached the inspection threshold, and it is currently accomplishing repetitive actions on 15 of its 29 Model A300–B4 airplanes. FedEx stated that it will adjust its inspection actions to comply with the actions specified in the NPRM.

We acknowledge FedEx's comment. No change to this AD is necessary.

Conclusion

We reviewed the available data, including the comment received, and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

We reviewed Airbus Service Bulletin A300–57–6028, Revision 07, dated June 6, 2011. The service information describes procedures for inspections to detect cracks in the bottom skin of the wing in the area of the cut-out for the pylon rear attachment fitting, and repair. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 124 airplanes of U.S. registry.

The actions required by AD 95–18–08, and retained in this AD take about 6 work-hours per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that were required by AD 95–18–08 is $510 per product.

In addition, we estimate that any necessary follow-on actions would take about 15 work-hours and require parts costing $10,000, for a cost of $11,275 per product. We have no way of determining the number of aircraft that might need these actions.

The new requirements of this AD add no additional economic burden.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2015-4817*; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 95–18–08, Amendment 39–9355 (60 FR 47677, September 14, 1995), and adding the following new AD:

2016–07–20 Airbus: Amendment 39–18465. Docket No. FAA–2015–4817; Directorate Identifier 2014–NM–115–AD.

(a) Effective Date

This AD becomes effective May 16, 2016.

(b) Affected ADs

This AD replaces AD 95–18–08, Amendment 39–9355 (60 FR 47677, September 14, 1995) ("AD 95–18–08").

(c) Applicability

This AD applies to the airplanes identified in paragraphs (c)(1) through (c)(4) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Airbus Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes.

(2) Airbus Model A300 B4–605R and B4–622R airplanes.

(3) Airbus Model A300 F4–605R and F4–622R airplanes.

(4) Airbus Model A300 C4–605R Variant F airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Reason

This AD was prompted by a report that updated fatigue and damage tolerance analyses and a fleet survey found that certain inspection thresholds and intervals must be reduced to allow more timely findings of cracking. We are issuing this AD to detect and correct such fatigue-related cracking in the bottom skin of the wing in the area of the cut-out for the pylon rear attachment fitting, which could result in reduced structural integrity of the wing.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Retained Inspection and Corrective Action with Additional Repair Information

This paragraph restates the requirements of paragraph (a) of AD 95–18–08, with additional repair contact information. Prior to the accumulation of 24,000 total flight cycles since date of manufacture of the airplane, or within 750 flight cycles after October 16, 1995 (the effective date of AD 95–18–08), whichever occurs later, perform a detailed visual inspection to detect cracks in the bottom skin of the wing in the area of the cut-out for the pylon rear attachment fitting, in accordance with Airbus Service Bulletin A300–57–6028, Revision 3, dated September 13, 1994. Repeat the inspection thereafter at intervals not to exceed 9,000 flight cycles. If any crack is detected, prior to further flight, repair the wing bottom skin in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, or the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). Accomplishing any inspection required by paragraph (h) of this AD terminates the inspections required by this paragraph.

(h) New Requirement of This AD: Revised Inspection Thresholds and Intervals

Within the applicable compliance times required in paragraphs (h)(1) and (h)(2) of this AD, do a detailed visual inspection of the wing bottom skin in the area of the cut-out for the pylon rear attachment fitting on left-hand and right-hand wings, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–6028, Revision 07, dated June 6, 2011. Repeat the inspections thereafter at the applicable intervals required in paragraphs (h)(3) and (h)(4) of this AD. Accomplishing any inspection required by this paragraph terminates the inspections required by paragraph (g) of this AD.

(1) For "normal range operations" airplanes having an average flight time of 1.5 flight hours or more: Do the inspection at the applicable time required in paragraphs (h)(1)(i) and (h)(1)(ii) of this AD.

(i) For Model A300 F4–605R and F4–622R airplanes: Do the inspection at the later of the times specified in paragraphs (h)(1)(i)(A) and (h)(1)(i)(B) of this AD.

(A) Within 24,000 flight cycles or 51,800 flight hours after first flight of the airplane, whichever occurs first.

(B) Within 2,000 flight cycles or 4,300 flight hours after the effective date of this AD, whichever occurs first.

(ii) For Model A300 B4–600, B4–600R, and Model A300 C4–605R Variant F airplanes: Do the inspection at the later of the times specified in paragraphs (h)(1)(ii)(A) and (h)(1)(ii)(B) of this AD.

(A) Within 19,100 flight cycles or 41,200 flight hours after first flight of the airplane, whichever occurs first.

(B) Within 1,500 flight cycles or 3,200 flight hours after the effective date of this AD, whichever occurs first.

(2) For "short range operations" airplanes having an average flight time of less than 1.5 flight hours: Do the inspection at the applicable time required in paragraphs (h)(2)(i) and (h)(2)(ii) of this AD.

(i) For Model A300 F4–605R and F4–622R airplanes: Do the inspection at the later of the times specified in paragraphs (h)(2)(i)(A) and (h)(2)(i)(B) of this AD.

(A) Within 25,900 flight cycles or 38,800 flight hours after first flight of the airplane, whichever occurs first.

(B) Within 2,100 flight cycles or 3,200 flight hours after the effective date of this AD, whichever occurs first.

(ii) For Model A300 B4–600, B4–600R, and Model A300 C4–605R Variant F airplanes: Do the inspection at the later of the times specified in paragraphs (h)(2)(ii)(A) and (h)(2)(ii)(B) of this AD.

(A) Within 20,600 flight cycles or 30,900 flight hours after first flight of the airplane, whichever occurs first.

(B) Within 1,600 flight cycles or 2,400 flight hours after the effective date of this AD, whichever occurs first.

(3) For "normal range operations" airplanes having an average flight time of 1.5 flight hours or more: Repeat the inspection at the applicable time required in paragraphs (h)(3)(i) and (h)(3)(ii) of this AD.

(i) For Model A300 F4–605R and F4–622R airplanes: Repeat the inspection thereafter at intervals not to exceed 9,000 flight cycles or 19,400 flight hours, whichever occurs first.

(ii) For Model A300 B4–600, B4–600R, and Model A300 C4–605R Variant F airplanes: Repeat the inspection thereafter at intervals not to exceed 7,100 flight cycles or 15,300 flight hours, whichever occurs first.

(4) For "short range operations" airplanes having an average flight time of less than 1.5 flight hours: Repeat the inspection at the applicable time required in paragraphs (h)(4)(i) and (h)(4)(ii) of this AD.

(i) For Model A300 F4–605R and F4–622R airplanes: Repeat the inspection thereafter at intervals not to exceed 9,700 flight cycles or 14,500 flight hours, whichever occurs first.

(ii) For Model A300 B4–600, B4–600R, and Model A300 C4–605R Variant F airplanes: Repeat the inspection thereafter at intervals not to exceed 7,600 flight cycles or 11,500 flight hours, whichever occurs first.

(i) Definition of Average Flight Time for Paragraph (h) of This AD

For the purpose of paragraph (h) of this AD, the Average Flight Time must be established as follows:

(1) For the initial inspection, the average flight time is the total accumulated flight hours, counted from take-off to touch-down, divided by the total accumulated flight cycles at the effective date of this AD.

(2) For the first repeated inspection interval, the average flight time is the total accumulated flight hours divided by the total accumulated flight cycles at the time of the inspection threshold.

(3) For all inspection intervals onwards, the average flight time is the flight hours divided by the flight cycles accumulated between the last two inspections.

(j) New Requirement of This AD: Corrective Action for Any Cracking Found

If any crack is found during any inspection required by paragraph (h) of this AD: Before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA. Accomplishing a repair does not constitute terminating action for the repetitive inspections required by paragraph (h) of this AD.

(k) Credit for Previous Actions

This paragraph provides credit for inspections required by paragraph (h) of this AD, if those actions were performed before the effective date of this AD using any of the service information identified in paragraphs (k)(1), (k)(2), and (k)(3) of this AD, which are not incorporated by reference in this AD.

(1) Airbus Service Bulletin A300–57–6028, Revision 04, dated October 25, 1999.

(2) Airbus Service Bulletin A300–57–6028, Revision 05, dated January 11, 2002.

(3) Airbus Service Bulletin A300–57–6028, Revision 06, dated May 17, 2006.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.*

(i) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(ii) AMOCs approved previously for AD 95–18–08, are approved as AMOCs for the corresponding provisions of paragraph (g) of this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency Airworthiness Directive 2014–0119, dated May 13, 2014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–4817.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (n)(5) and (n)(6) of this AD.

(n) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(3) The following service information was approved for IBR on May 16, 2016.

(i) Airbus Service Bulletin A300–57–6028, Revision 07, dated June 6, 2011.

(ii) Reserved.

(4) The following service information was approved for IBR on October 16, 1995 (60 FR 47677, September 14, 1995).

(i) Airbus Service Bulletin A300–57–6028, Revision 3, dated September 13, 1994. Pages 1 through 6 of this service bulletin indicate Revision 3 and are dated September 13, 1994; pages 7 through 9 indicate Revision 2 and are dated February 22, 1994.

(ii) Reserved.

(5) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.*

(6) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(7) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on March 24, 2016.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–07570 Filed 4–8–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0333; Directorate Identifier 2013–SW–025–AD; Amendment 39–18474; AD 2016–07–29]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters (Previously Eurocopter France) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Airbus Helicopters Model EC225LP, AS332C, AS332L, AS332L1, and AS332L2 helicopters. This AD requires inspecting each TECALEMIT flexible hydraulic hose (hose) installed in the main gearbox (MGB) compartment and replacing the hose if a crack, cut, or other damage exists. This AD was prompted by reports about the loss of in-flight hydraulic pressure on Eurocopter France helicopters. The actions of this AD are intended to prevent loss of the hydraulic system and consequently, loss of helicopter control.

DATES: This AD is effective May 16, 2016.

ADDRESSES: For service information identified in this final rule, contact Airbus Helicopters, Inc., 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub*. You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations Office, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Rao Edupuganti, Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *rao.edupuganti@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

On June 2, 2014, at 79 FR 31229, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 by adding an AD that would apply to Airbus Helicopters (previously Eurocopter France) Model EC225LP, AS332C, AS332L, AS332L1, and AS332L2 helicopters with a TECALEMIT MGB hose installed.

The NPRM proposed to require repetitively inspecting each hose installed in the MGB compartment and replacing the hose before further flight if a crack, cut, or other damage exists that allows you to see the metal braid underneath. If a crack, cut, or other damage exists on the right-hand hydraulic system that does not allow you to see the metal braid underneath, the NPRM proposed replacing the hose within 300 hours TIS. If a crack, cut, or other damage exists on the left-hand hydraulic system that does not allow you to see the metal braid underneath, the NPRM proposed replacing the hose within 600 hours TIS. The proposed requirements were intended to prevent failure of a hose, which could result in loss of the hydraulic system and consequently, loss of helicopter control.

The NPRM was prompted by AD No. 2013–0069, dated March 18, 2013, issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Eurocopter (now Airbus Helicopters) Model AS332C, AS332C1, AS332L, AS332L1, AS332L2, and EC225LP helicopters. EASA advises that in-flight losses of hydraulic pressure were reported on these helicopters because of "significant" tears on the protection sheath of MGB hydraulic flexible "pipes" manufactured by TECALEMIT. This condition could lead to simultaneous left-hand and right-hand hydraulic system leakage, loss of the hydraulic system, and consequently, loss of helicopter control could occur, EASA advises.

The NPRM incorrectly stated that the Model AS332C1 helicopter did not have an FAA type certificate. We plan additional rulemaking to supersede this AD to include the Model AS332C1 helicopter.

Comments

After our NPRM (79 FR 31229, June 2, 2014) was published, we received comments from one commenter.

Request

Airbus Helicopters noted that the proposed AD does not mention Airbus Helicopters service information specifying installation of non-TECALEMIT hoses, which it considers terminating action for the repetitive inspections of the hoses. Airbus Helicopters requested that the AD reflect that action. We agree with the comment but disagree that a change to the AD is necessary. Because the AD is only applicable if a TECALEMIT hose is installed, replacing the hose as described by Airbus Helicopters in its comment would serve as "terminating action" for the required inspections. If a non-TECALEMIT hose is installed, the AD does not apply.

Airbus Helicopters stated that the proposed AD would require that a damaged hose sheath on right-hand hydraulic system be replaced within 300 hours time-in-service (TIS) and a damaged hose sheath on the left-hand system be replaced within 600 hours TIS. Airbus Helicopters requested that we change these proposed requirements to replacing the hose within 300 hours TIS if the hose sheath is damaged on both the right- and left-hand system and replacing the hose within 600 hours TIS if the hose sheath is damaged on only one side. We do not agree. The right-hand hose is subject to higher pressure and therefore we determined more stringent requirements for the right-hand hose are necessary than for the left-hand hose.

Lastly, Airbus Helicopters requested that we extend the repetitive inspection to every 1,200 hours TIS after the initial inspection at 110 hours TIS. When asked for additional information, Airbus Helicopters stated that no discrepancies have been found as a result of the inspections on its EC225 fleet, and that most of its AS332 fleet that are operating have complied with the service information. We disagree. Airbus Helicopters provided no support for its position that the hoses perform safely for 1,200 hours TIS after the initial inspection. Because the root cause of the cracking is unknown, we have determined that inspecting the hoses every 110 hours TIS is necessary.

FAA's Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA, reviewed the relevant information, considered the comments received, and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

Differences Between This AD and the EASA AD

The EASA AD requires a one-time inspection, while this AD requires that the inspection of the hoses be repeated every 110 hours TIS. The EASA AD requires that if severe damage is found in a hose on the right-hand hydraulic system, then the hose be replaced before the next flight, while this AD requires this regardless of whether the hose is on the right-hand or left-hand hydraulic system. EASA has set some compliance times based on months. We set compliance times based only on hours TIS.

Related Service Information

Eurocopter issued Service Bulletin (SB) No. EC225–05–027, Revision 1, dated July 17, 2013, for Model EC225LP helicopters and SB No. AS332–05.00.92, Revision 1, dated July 17, 2013, for Model AS332C, AS332C1, AS332L, AS332L1, AS332L2 and military Model AS332B, AS332B1, AS332F1, AS332M and AS332M1 helicopters. The SBs state Eurocopter received a report concerning the loss of pressure in the left hand hydraulic system in-flight. Hydraulic fluid was found in the cabin, though the flight was completed without further incident. An examination of the hydraulic system showed that the hose located between the forward servo-control and the hydraulic manifold had burst. Further investigations have shown corrosion on the metal braid located under the fire-resistant sheath of hoses manufactured by TECALEMIT. The corrosion may be caused by the deterioration or gaping of the fire-resistant sheath at the hose ends, enabling humidity to enter between the sheath and the metal braid. As a result, SB No. EC225–05–027 and SB No. AS332–05.00.92 call for inspecting each hose for a notch, tear, crack, or scuff mark, and replacing any damaged hose.

Costs of Compliance

We estimate that this AD affects 19 helicopters of U.S. Registry and that labor costs average $85 a work-hour. Based on these estimates, we expect the following costs:

- Inspecting the hoses installed in a MGB compartment requires 1.5 work-hours for a labor cost of about $128 per helicopter, $2,432 for the U.S. fleet.
- Replacing a hose requires 2.5 work-hours for a labor cost of about $213. Parts cost $2,000 for a total cost of $2,213 per helicopter.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on helicopters identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a "significant regulatory action" under Executive Order 12866;

(2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2016–07–29 Airbus Helicopters (Previously Eurocopter France): Amendment 39–18474; Docket No. FAA–2014–0333; Directorate Identifier 2013–SW–025–AD.

(a) Applicability

This AD applies to Airbus Helicopters Model EC225LP, AS332C, AS332L, AS332L1, and AS332L2 helicopters with a TECALEMIT main gear box (MGB) hydraulic flexible hose (hose) installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as loss of hydraulic pressure because of the failure of a hose. This condition could result in loss of the hydraulic system and consequently, loss of helicopter control.

(c) Effective Date

This AD becomes effective May 16, 2016.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

(1) Within 110 hours time-in-service (TIS), and thereafter at intervals not to exceed 110 hours TIS, visually inspect each TECALEMIT hose installed in the MGB compartment for a cut, crack, or other damage.

(2) If there is a cut, crack, or any other damage in the hose sheath that allows you to see the metal braid underneath when pinching or twisting the sheath, replace the hose before further flight.

(3) If there is a cut, crack, or any other damage in the hose sheath on the right hand hydraulic system that does not allow you to see the metal braid underneath, replace the hose within 300 hours TIS.

(4) If there is a cut, crack, or any other damage in the hose sheath on the left hand hydraulic system that does not allow you to see the metal braid underneath, replace the hose within 600 hours TIS.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Rao Edupuganti, Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 10101

Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(g) Additional Information

(1) Eurocopter Service Bulletin (SB) No. EC225–05–027 and SB No. AS332–05.00.92, both Revision 1 and dated July 17, 2013; Eurocopter SB No. AS332–29.00.17 and SB No. EC225–29–005, both Revision 0 and both dated June 21, 2013; and Eurocopter Information Notice No. 2506–I–29, Revision 2, dated July 24, 2013; which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact Airbus Helicopters, Inc., 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in the European Aviation Safety Agency (EASA) AD No. 2013–0069, dated March 18, 2013. You may view the EASA AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2014–0333.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 2910, Main Hydraulic System.

Issued in Fort Worth, Texas, on March 31, 2016.

James A. Grigg,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2016–07983 Filed 4–8–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–5432; Directorate Identifier 2016–CE–009–AD; Amendment 39–18466; AD 2016–07–21]

RIN 2120–AA64

Airworthiness Directives; Piper Aircraft, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are superseding Airworthiness Directive (AD) 2015–20–13 for certain Piper Aircraft, Inc. Models PA–28–161, PA–28–181, and PA–28R–201 airplanes. AD 2015–20–13 required inspecting the right wing rib at wing station 140.09 for cracks and taking necessary corrective action. This AD retains the actions for AD 2015–20–13 and adds airplanes to the applicability. This AD was prompted by reports that additional airplanes have been found with the same cracks. We are issuing this AD to correct the unsafe condition on these products.

DATES: This AD is effective April 26, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 26, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of October 29, 2015 (80 FR 61725, October 14, 2015).

We must receive any comments on this AD by May 26, 2016.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this final rule, contact Piper Aircraft, Inc., Customer Service, 2926 Piper Drive, Vero Beach, Florida 32960; telephone: (877) 879–0275; fax: none; email: *customer.service@piper.com;* Internet: *www.piper.com.* You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5432.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5432; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Gregory "Keith" Noles, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, 1701 Columbia Avenue, College Park, Georgia 30337; phone: (404) 474–5551; fax: (404) 474–5606; email: *gregory.noles@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On October 1, 2015, we issued AD 2015–20–13, Amendment 39–18292 (80 FR 61725), ("AD 2015–20–13"), for certain Piper Aircraft, Inc. Models PA–28–161, PA–28–181, and PA–28R–201 airplanes. AD 2015–20–13 required inspecting the right wing rib at wing station 140.09 for cracks and taking necessary corrective action. AD 2015–20–13 resulted from a report from Piper Aircraft, Inc. of a production quality control problem on certain Models PA–28–161, PA–28–181, and PA–28R–201 airplanes. A change in production tooling and processes caused cracks to form along the edge of rib stiffening beads during manufacture. These cracks cause reduced structural integrity of the wing, which resulted in the inability of the wing rib to carry ultimate load. We issued AD 2015–20–13 to detect and correct cracks in the wing rib, which if not corrected, could result in reduced structural integrity of the wing with consequent loss of control.

Actions Since AD 2015–20–13 Was Issued

Since we issued AD 2015–20–13, we received reports that operators in the field found the same cracks in airplanes outside the original applicability. After further investigation, Piper Aircraft, Inc. issued a new service bulletin expanding the serial number applicability of the affected airplane models. We are issuing this AD to correct the unsafe condition on these products.

Related Service Information Under 1 CFR Part 51

We reviewed Piper Aircraft, Inc. Service Bulletin No. 1279A, dated March 3, 2016. The service bulletin describes procedures for inspecting the right wing rib at wing station 140.09 for cracks and for obtaining an FAA-approved repair if cracks are found. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

We are issuing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

AD Requirements

This AD requires accomplishing the actions specified in the service information described previously.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because cracks in the wing rib, if not detected and corrected immediately, could result in reduced structural integrity of the wing with consequent loss of control. Therefore, we find that notice and opportunity for prior public comment are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments before it becomes effective. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2016–5432 and directorate identifier 2016–CE–009–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

Costs of Compliance

We estimate that this AD affects 725 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect the right wing rib at wing station 140.09 for cracks.	1 work-hour × $85 per hour = $85.	Not applicable	$85	$61,625

We estimate the following costs to do any necessary repairs that will be required based on the results of the inspection. This estimate is based on replacement of the rib. We have no way of determining the number of airplanes that might need these repairs:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair of the of the wing rib	35 work-hours × $85 per hour = $2,975.	$125	$3,100

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

The only cost difference between this AD and AD 2015–20–13 is the cost associated with adding 710 airplanes to the Applicability section.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a "significant regulatory action" under Executive Order 12866,

(2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2015–20–13, Amendment 39–18292 (80 FR 61725, October 14, 2015) and adding the following new AD:

2016–07–21 Piper Aircraft, Inc.: Amendment 39–18466; Docket No. FAA–2016–5432; Directorate Identifier 2016–CE–009–AD.

(a) Effective Date

This AD is effective April 26, 2016.

(b) Affected ADs

This AD replaces AD 2015–20–13, Amendment 39–18292 (80 FR 61725) (“AD 2015–20–13”).

(c) Applicability

This AD applies to the following Piper Aircraft, Inc. airplanes certificated in any category.

(1) *Airplanes previously affected by AD 2015–20–13:* Model PA–28–161 airplanes, serial numbers (S/Ns) 2842393 through 2842395; Model PA–28–181 airplanes, S/Ns 2843769 through 2843775 and 2843779 through 2843791; and Model PA–28R–201 airplanes, S/N 2844152.

(2) *Airplanes new to this AD:* Model PA–28–161 airplanes, S/Ns 2842010 through 2842392; Model PA–28–181 airplanes, S/Ns 2843021 through 2843768; and Model PA–28R–201 airplane, S/Ns 2844004 through 2844151.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 5712, Wing Ribs/Bulkhead.

(e) Unsafe Condition

This AD was prompted by reports of cracks found in the wing rib on airplanes outside the Applicability, paragraph (c), of AD 2015–20–13. The cracks occurred in production during forming of the wing rib bead radius. We are issuing this AD to detect and correct cracks in the wing rib, which if not corrected, could result in reduced structural integrity of the wing with consequent loss of control.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Inspect

(1) Inspect the right wing rib at wing station (WS) 140.09 for cracks at the following compliance times.

(i) *For airplanes previously affected by AD 2015–20–13:* Within the next 25 hours time-in-service after (TIS) after October 29, 2015 (the effective date retained from AD 2015–20–13) following the INSTRUCTIONS section of Piper Aircraft, Inc. Service Bulletin No. 1279, dated August 26, 2015, or Piper Aircraft, Inc. Service Bulletin No. 1279A, dated March 3, 2016.

(ii) *For airplanes new to this AD:* Within the next 25 hours TIS after April 26, 2016 (the effective date of this AD) following the INSTRUCTIONS section of Piper Aircraft, Inc. Service Bulletin No. 1279A, dated March 3, 2016.

(2) If any crack is detected during the inspection required by paragraph (g)(1) of this AD, before further flight, obtain and implement an FAA-approved repair scheme, approved specifically for this AD. At the operator’s discretion, assistance may be provided by contacting Piper Aircraft, Inc. at the address identified in paragraph (k)(5) of this AD.

(h) Special Flight Permit

A special flight permit is allowed for this AD per 14 CFR 39.23 for the inspection required in paragraph (g)(1) of this AD. If a crack is found during the inspection required in paragraph (g)(1) of this AD, a special flight permit is allowed with the following limitations:

(1) Flight must be planned to the nearest location where repairs can be done;

(2) Indicated airspeed must be 120 knots or less for the entire flight;

(3) Bank angle is not to exceed 30 degrees for the entire flight;

(4) Maximum load factors must be between +3.0 and −1.0 for the entire flight; and

(5) Flight must be performed VFR, with no turbulence greater than “light” forecast for the planned flight route and altitude.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Atlanta ACO, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (j) of this AD.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(j) Related Information

For more information about this AD, contact Gregory “Keith” Noles, Aerospace Engineer, FAA, Atlanta ACO, 1701 Columbia Avenue, College Park, Georgia 30337; phone: (404) 474–5551; fax: (404) 474–5606; email: *gregory.noles@faa.gov.*

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(3) The following service information was approved for IBR on April 26, 2016.

(i) Piper Aircraft, Inc. Service Bulletin No. 1279A, dated March 3, 2016.

(ii) Reserved.

(4) The following service information was approved for IBR on October 29, 2015 (80 FR 61725, October 14, 2015).

(i) Piper Aircraft, Inc. Service Bulletin No. 1279, dated August 26, 2015.

(ii) Reserved.

(5) For Piper Aircraft, Inc. service information identified in this AD, contact Piper Aircraft, Inc., Customer Service, 2926 Piper Drive, Vero Beach, Florida 32960; telephone: (877) 879–0275; fax: none; email: *customer.service@piper.com;* Internet: *www.piper.com.*

(6) You may review the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the Internet at *http://www.regulations.gov* by searching for locating Docket No. FAA–2016–5432.

(7) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Kansas City, Missouri, on March 28, 2016.

Jacqueline Jambor,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–07580 Filed 4–8–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–1279; Directorate Identifier 2014–NM–049–AD; Amendment 39–18454; AD 2016–07–09]

RIN 2120–AA64

Airworthiness Directives; BAE SYSTEMS (Operations) Limited Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2011–21–06 for all BAE SYSTEMS (Operations) Limited Model 4101 airplanes. AD 2011–21–06 required revising the maintenance program. This new AD requires a new revision of the maintenance or inspection program. This AD was prompted by a determination that the life limit of certain main landing gear components must be reduced, and certain post-repair inspections of critical structure are necessary. We are issuing this AD to prevent failure of certain structurally significant items, including the main landing gear and nose landing gear, which could result in reduced structural integrity of the airplane; and to prevent fuel vapor ignition sources, which could result in a fuel tank explosion and consequent loss of the airplane.

DATES: This AD is effective May 16, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 16, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of November 23, 2011 (76 FR 64788, October 19, 2011).

ADDRESSES: For service information identified in this final rule, contact BAE SYSTEMS (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone +44 1292 675207; fax +44 1292 675704; email *RApublications@baesystems.com;* Internet *http://www.baesystems.com/Businesses/RegionalAircraft/index.htm.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–1279.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–1279; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Theodore (Todd) Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–1175; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2011–21–06, Amendment 39–16829 (76 FR 64788, October 19, 2011) ("AD 2011–21–06"). AD 2011–21–06 applied to all BAE SYSTEMS (Operations) Limited Model 4101 airplanes. The NPRM published in the **Federal Register** on May 8, 2015 (80 FR 26484) ("the NPRM").

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014–0043, dated February 21, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition for all BAE SYSTEMS (Operations) Limited Model 4101 airplanes. The MCAI states:

> The Jetstream J41 Aircraft Maintenance Manual (AMM), includes the following chapters:
>
> 05–10–10 "Airworthiness Limitations",
> 05–10–20 "Certification Maintenance Requirements", and,
> 05–10–30 "Critical Design Configuration Control Limitations (CDCCL)—Fuel System".
>
> The maintenance tasks and limitations contained in these chapters have been identified as mandatory actions for continued airworthiness and EASA issued AD 2010–0098 [dated May 27, 2010 (*http://ad.easa.europa.eu/ad/2010-0098*) which corresponds to FAA AD 2011–21–06, Amendment 39–16829 (79 FR 64788, October 19, 2011)] to require operators to comply with those instructions.
>
> Since that [EASA] AD was issued, BAE Systems (Operations) Ltd issued Revision 37 of the AMM amending Chapter 05–10–10 to revise and reduce the life limit of certain main landing gear components. In addition, Revision 38 of the AMM was issued to amend Chapters 05–10–00 and 05–10–10 introducing inspections to be accomplished after implementation of some repairs affecting fatigue strength of critical structure. Failure to comply with the new and more restrictive actions could result in an unsafe condition.
>
> For the reasons described above, this [EASA] AD, which supersedes EASA AD 2010–0098, requires implementation of the maintenance requirements and/or airworthiness limitations as specified in the defined parts of Chapter 05 of the AMM at Revision 38.

The unsafe condition is the failure of certain structurally significant items, including the main landing gear and nose landing gear, which could result in reduced structural integrity of the airplane; and fuel vapor ignition sources, which could result in a fuel tank explosion and consequent loss of the airplane. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–1279.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Explanation of Change to NPRM

Since we issued the NPRM, we discovered an incorrect reference to "paragraph (j)" in paragraph (i)(3) of the proposed AD. The correct reference is to "paragraph (i)," and we have changed this AD accordingly.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting this AD with the change described previously and for minor editorial changes. We have determined that these changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

We reviewed Subjects 05–10–10, "Airworthiness Limitations"; 05–10–20, "Certification Maintenance Requirements"; and 05–10–30, "Critical Design Configuration Control Limitations (CDCCL)—Fuel System"; of Chapter 05, "Airworthiness Limitations," of the BAE Systems (Operations) Limited J41 AMM, Revision 38, dated September 15, 2013. This service information describes procedures for inspections of structurally significant items and the fuel system. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 4 airplanes of U.S. registry.

The actions required by AD 2011–21–06, Amendment 39–16829 (76 FR 64788, October 19, 2011), and retained in this AD take about 1 work-hour per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that are required by AD 2011–21–06 is $85 per product.

We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $340, or $85 per product.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2011–21–06, Amendment 39–16829 (76 FR 64788, October 19, 2011), and adding the following new AD:

2016–07–09 BAE SYSTEMS (Operations) Limited: Amendment 39–18454. Docket No. FAA–2015–1279; Directorate Identifier 2014–NM–049–AD.

(a) Effective Date

This AD is effective May 16, 2016.

(b) Affected ADs

This AD replaces AD 2011–21–06, Amendment 39–16829 (76 FR 64788, October 19, 2011) ("AD 2011–21–06").

(c) Applicability

This AD applies to all BAE SYSTEMS (Operations) Limited Model 4101 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 05.

(e) Reason

This AD was prompted by the need to reduce the life limit of certain main landing gear components, and to add certain post-repair inspections of critical structure to the maintenance or inspection program. We are issuing this AD to prevent failure of certain structurally significant items, including the main landing gear and nose landing gear, which could result in reduced structural integrity of the airplane; and to prevent fuel vapor ignition sources, which could result in a fuel tank explosion and consequent loss of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Retained Maintenance Program Revision, With No Changes

This paragraph restates the requirements of paragraph (i) of AD 2011–21–06, with no changes. Within 90 days after November 23, 2011 (the effective date of AD 2011–21–06): Revise the maintenance program by incorporating Subjects 05–10–10, "Airworthiness Limitations"; 05–10–20, "Certification Maintenance Requirements"; and 05–10–30, "Critical Design Configuration Control Limitations (CDCCL)—Fuel System"; of Chapter 05, "Airworthiness Limitations," of the BAE Systems (Operations) Limited Jetstream Series 4100 Aircraft Maintenance Manual (AMM), Revision 35, dated February 15, 2011. The initial compliance times for the tasks are at the applicable times specified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD. Doing the actions required by paragraph (i) of this AD terminates the requirements of this paragraph.

(1) For replacement tasks of life limited parts specified in Subject 05–10–10, "Airworthiness Limitations," of Chapter 05, "Airworthiness Limitations," of the BAE Systems (Operations) Limited Jetstream Series 4100 AMM, Revision 35, dated February 15, 2011: Prior to the applicable flight cycles (landings) or flight hours (flying hours) on the part specified in the "Mandatory Life Limits" column in Subject 05–10–10, or within 90 days after November 23, 2011 (the effective date of AD 2011–21–06), whichever occurs later.

(2) For structurally significant item tasks specified in Subject 05–10–10, "Airworthiness Limitations," of Chapter 05, "Airworthiness Limitations," of the BAE Systems (Operations) Limited Jetstream Series 4100 AMM, Revision 35, dated February 15, 2011: Prior to the accumulation of the applicable flight cycles specified in the "Initial Inspection" column in Subject 05–10–10, or within 90 days after November 23, 2011 (the effective date of AD 2011–21–06), whichever occurs later.

(3) For certification maintenance requirements tasks specified in Subject 05–10–20, "Certification Maintenance Requirements," of Chapter 05, "Airworthiness Limitations," of the BAE Systems (Operations) Limited Jetstream Series 4100 AMM, Revision 35, dated February 15, 2011: Prior to the accumulation of the applicable flight hours specified in the "Time Between Checks" column in Subject 05–10–20, or within 90 days after November 23, 2011 (the effective date of AD 2011–21–06), whichever occurs later; except for tasks that specify "first flight of the day" in the "Time Between Checks" column in Subject 05–10–20, the initial compliance time is the first flight of the next day after doing the revision required by paragraph (g) of this AD, or within 90 days after November 23, 2011 (the effective date of AD 2011–21–06), whichever occurs later.

(h) Retained Restrictions on Alternative Actions, Intervals, and/or CDCCLs, With a New Exception

This paragraph restates the requirements of paragraph (k) of AD 2011–21–06, with a new exception. Except as required by paragraph (i) of this AD, after accomplishing the revision required by paragraph (g) of this AD, no alternative actions (*e.g.*, inspections), intervals, and/or CDCCLs may be used unless the actions, intervals, and/or CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (l) of this AD.

(i) New Maintenance or Inspection Program Revision

Within 90 days after the effective date of this AD: Revise the maintenance or inspection program, as applicable, by incorporating Subjects 05–10–10, "Airworthiness Limitations"; 05–10–20, "Certification Maintenance Requirements"; and 05–10–30, "Critical Design Configuration Control Limitations (CDCCL)—Fuel System"; of Chapter 05, "Airworthiness Limitations," of the BAE Systems (Operations) Limited J41 AMM, Revision 38, dated September 15, 2013. The initial compliance times for the tasks are at the applicable times specified in paragraphs (i)(1), (i)(2), and (i)(3) of this AD. Doing the actions required by this paragraph terminates the requirements of paragraph (g) of this AD.

(1) For replacement tasks of life limited parts specified in Subject 05–10–10, "Airworthiness Limitations," of Chapter 05, "Airworthiness Limitations," of the BAE Systems (Operations) Limited J41 AMM, Revision 38, dated September 15, 2013: Prior to the applicable flight cycles (landings) or flight hours (flying hours) on the part specified in the "Mandatory Life Limits" column in Subject 05–10–10, or within 90 days after the effective date of this AD, whichever occurs later.

(2) For structurally significant item tasks specified in Subject 05–10–10, "Airworthiness Limitations," of Chapter 05, "Airworthiness Limitations," of the BAE Systems (Operations) Limited J41 AMM, Revision 38, dated September 15, 2013: Prior to the accumulation of the applicable flight cycles specified in the "Initial Inspection" column in Subject 05–10–10, or within 90 days after the effective date of this AD, whichever occurs later.

(3) For certification maintenance requirements tasks specified in Subject 05–10–20, "Certification Maintenance Requirements," of Chapter 05, "Airworthiness Limitations," of the BAE Systems (Operations) Limited J41 AMM, Revision 38, dated September 15, 2013: Prior to the accumulation of the applicable flight hours specified in the "Time Between Checks" column in Subject 05–10–20, or within 90 days after the effective date of this AD, whichever occurs later; except for tasks that specify "first flight of the day" in the "Time Between Checks" column in Subject 05–10–20, the initial compliance time is the first flight of the next day after doing the revision required by paragraph (i) of this AD, or within 90 days the effective date of this AD, whichever occurs later.

(j) New Restrictions on Alternative Actions, Intervals, and/or (CDCCLs)

After the maintenance or inspection program, as applicable, has been revised as required by paragraph (i) of this AD, no alternative actions (*e.g.*, inspections), intervals, and/or CDCCLs may be used unless the actions, intervals, and/or CDCCLs are approved as an AMOC in accordance with the procedures specified in paragraph (l) of this AD.

(k) Credit for Previous Actions

This paragraph restates the provisions of paragraph (j) of AD 2011–21–06. This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before November 23, 2011 (the effective date of AD 2011–21–06), in accordance with Subjects 05–10–10, "Airworthiness Limitations"; 05–10–20, "Certification Maintenance Requirements"; and 05–10–30, "Critical Design Configuration Control Limitations (CDCCL)—Fuel System"; of Chapter 05, "Airworthiness Limitations," of the BAE Systems (Operations) Limited Jetstream Series 4100 AMM, Revision 33, dated February 15, 2010; which are not incorporated by reference in this AD.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Theodore (Todd) Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–1175; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.*

(i) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(ii) AMOCs approved previously for AD 2011–21–06, are not approved as AMOCs with this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or BAE Systems (Operations) Limited's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0043, dated February 21, 2014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–1279.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (n)(5) and (n)(6) of this AD.

(n) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(3) The following service information was approved for IBR on May 16, 2016.

(i) Chapter 05, "Airworthiness Limitations," of the BAE Systems (Operations) Limited J41 Aircraft Maintenance Manual (AMM), Revision 38, dated September 15, 2013. Page 1 of the "Publications Transmittal" is the only page that shows the revision level of this document.

(A) Subject 05–10–10, "Airworthiness Limitations."

(B) Subject 05–10–20, "Certification Maintenance Requirements."

(C) Subject 05–10–30, "Critical Design Configuration Control Limitations (CDCCL)—Fuel System."

(ii) Reserved.

(4) The following service information was approved for IBR on November 23, 2011 (76 FR 64788, October 19, 2011).

(i) Chapter 05, "Airworthiness Limitations," of the BAE Systems (Operations) Limited Jetstream Series 4100 AMM, Revision 35, dated February 15, 2011. Page 1 of the Publications Transmittal of the BAE Systems (Operations) Limited Jetstream Series 4100 AMM is the only page that shows the revision level of this document.

(A) Subject 05–10–10, "Airworthiness Limitations."

(B) Subject 05–10–20, "Certification Maintenance Requirements."

(C) Subject 05–10–30, "Critical Design Configuration Control Limitations (CDCCL)—Fuel System."

(ii) Reserved.

(5) For service information identified in this AD, contact BAE SYSTEMS (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone +44 1292 675207; fax +44 1292 675704; email *RApublications@baesystems.com;* Internet *http://www.baesystems.com/Businesses/RegionalAircraft/index.htm.*

(6) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(7) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on March 22, 2016.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–07229 Filed 4–8–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0483]

RIN 1625–AA09

Drawbridge Operation Regulation; Chincoteague Bay, Chincoteague, VA

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is modifying the operating schedule that governs SR 175 Bridge across Lewis Channel and Black Narrows, mile 3.5 at Chincoteague, VA. The change will eliminate the need for the current operating schedule and return the bridge to open on demand. The change does not include the last consecutive Wednesday and Thursday in July for the annual Pony swim.

DATES: This rule is effective May 11, 2016.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG 2014–0483 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Kashanda Booker, Fifth Coast Guard District Bridge Administration Division, Coast Guard; telephone 757–398–6227, email *Kashanda.l.booker@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR	Code of Federal Regulations
DHS	Department of Homeland Security
FR	Federal Register
NPRM	Notice of proposed rulemaking
SNPRM	Supplemental notice of proposed rulemaking
Pub. L.	Public Law
§	Section
U.S.C.	United States Code

II. Background Information and Regulatory History

On January 26, 2015, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled, "Drawbridge Operation Regulation; Chincoteague Bay, Chincoteague, VA" in the **Federal Register** (80 FR 3933). We received no comments on this rule. No public meeting was requested and none was held.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499. The purpose of this rule is to allow for a less restrictive operating schedule while still balancing the needs of the marine and vehicular traffic. The draw of the SR 175 Bridge will open on demand in accordance with 33 CFR 117.5 except: From 7 a.m. to 5 p.m. on the last consecutive Wednesday and Thursday in July, the draw need not be opened for the annual Pony swim.

IV. Discussion of Comments, Changes and the Final Rule

The bridge owner, Virginia Department of Transportation (VDOT), who owns and operates SR 175 Bridge across Lewis Channel and Black Narrows, mile 3.5, at Chincoteague, VA has requested to change 33 CFR 117.1005.

In 2011, a new single-leaf bascule bridge was constructed on a new alignment replacing the former swing-type bridge that was located downstream from the Chincoteague maritime community. The new alignment resulted in boaters having an improved channel access and the number of necessary bridge openings reduced.

The vertical clearance of the single-span bascule bridge is 15 feet above mean high water in the closed position and unlimited in the open position. The horizontal clearance is 60 feet between fender systems.

The current operating schedule allows the draw to open on demand from midnight to 6 a.m., and every one and a half hours from 6 a.m. to midnight (at 6 a.m., 7:30 a.m., 9 a.m., 10:30 a.m., 12 p.m., 1:30 p.m., 3 p.m., 4:30 p.m., 6 p.m., 7:30 p.m., 9 p.m., 10:30 p.m., and midnight); except from 7 a.m. to 5 p.m. on the last consecutive Wednesday and Thursday in July, the draw need not be opened. This has been the regular operating schedule since November 16, 2006.

Based on the decreased number of bridge openings since 2011, the Chincoteague maritime community and the Accomack County Board of Supervisors favored a less restrictive opening schedule by proposing a test deviation from scheduled openings to an "on demand" schedule while still balancing the needs of marine and vehicular traffic. The monthly vessel openings at the SR 175 Bridge submitted by VDOT are as follows:

BRIDGE OPENING COUNTS

APR 2013	MAY 2013	JUNE 2013	JUL 2013	AUG 2013	SEPT 2013	OCT 2013	NOV 2013	DEC 2013	JAN 2014	FEB 2014	MAR 2014	APR 2014
1	4	7	7	7	6	7	3	2	0	0	0	3

The bridge logs revealed that from April 2013 to April 2014, the SR 175 Bridge had experienced only 47 total vessel openings.

The SR 175 Bridge is the only vehicular connection between the mainland and Eastern Shore of Virginia and Chincoteague Island. Tourism is a dominant industry of Chincoteague Island with activities taking place in the Town of Chincoteague, Chincoteague Island and Assateague Island.

From August 4, 2014 to November 3, 2014, the draw of the SR 175 Bridge, mile 3.5, at Chincoteague, opened on signal in accordance with the general operating regulations set out at 33 CFR 117.5.

The monthly vessel openings at the SR 175 Bridge submitted by VDOT are as follows:

BRIDGE OPENING COUNTS

September 2014	October 2014	November 2014
3	5	1

Based on the bridge log and discussions with the local community, allowing the bridge to return to an open on demand schedule except for the Pony swim will meet the reasonable needs to navigation and vehicular traffic. Therefore, 33 CFR 117.1005 will be amended to only deviate from the on demand schedule during the Pony swim.

V. Regulatory Analysis

We developed this rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and

Executive Orders, and we discuss First Amendment rights of protesters.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been designated a "significant regulatory action," under Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget. This rule will make a regulatory burden less restrictive by allowing for the bridge to open on signal for the majority of the year. This rule takes into account the reasonable needs of navigation while taking into account vehicular traffic.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the bridge may be small entities, for the reasons stated in section IV.A above, this final rule would not have a significant economic impact on any vessel owner or operator.

Under Section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Government

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule simply promulgates the operating regulations or procedures for drawbridges. This action is categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise 117.1005 to read as follows:

§ 117.1005 Chincoteague Channel.

The draw of the SR 175 Bridge, mile 3.5, at Chincoteague shall open on demand; except from 7 a.m. to 5 p.m. on the last consecutive Wednesday and Thursday in July, the draw need not be opened.

Dated: March 29, 2016.

Stephen P. Metruck,

Rear Admiral, United States Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 2016–08225 Filed 4–8–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–0255]

Drawbridge Operation Regulation; Hackensack River, Secaucus, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the New Jersey Transit Rail Operations (NJTRO) Upper Hack Drawbridge across the Hackensack River, mile 6.9, at Secaucus, New Jersey. This deviation is necessary to allow the bridge owner to replace rails, ties, walkways, and handrails at the bridge. This deviation allows the bridge to remain closed for two weekends.

DATES: This deviation is effective 12:01 a.m. on April 16, 2016 through 6:00 p.m. May 23, 2016.

ADDRESSES: The docket for this deviation, [USCG–2016–0255] is available at *http://www.regulations.gov*. Type the docket number in the "SEARCH" box and click "SEARCH". Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Joe M. Arca, Project Officer, First Coast Guard District, telephone (212) 514–4336, email *joe.m.arca@uscg.mil*.

SUPPLEMENTARY INFORMATION: The NJTRO Upper Hack Drawbridge across Hackensack River, mile 6.9, at Secaucus, New Jersey, has a vertical clearance in the closed position of 8 feet at mean high water and 13 feet at mean low water. The existing bridge operating regulations are found at 33 CFR 117.723(f).

The waterway is transited by seasonal recreational vessels and commercial vessels of various sizes.

The bridge owner, NJTRO, requested a temporary deviation from the normal operating schedule to facilitate replacement of the rails, ties, walkways and handrails at the bridge.

Under this temporary deviation, the NJTRO Upper Hack Drawbridge may remain in the closed position for two weekends, from 12:01 a.m. on April 16, 2016 through 6:00 p.m. April 18, 2016 and from 12:01 a.m. April 23 through 6:00 p.m. April 25, 2016, and a rain date from May 14, 2016 through May 16 and May 21 through May 23, 2016 for the same time frame.

Vessels able to pass under the bridge in the closed position may do so at any time. The bridge will not be able to open for emergencies and there is no immediate alternate route for vessels to pass.

The Coast Guard will inform the users of the waterways through our Local Notice and Broadcast to Mariners of the change in operating schedule for the bridge so that vessel operations can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 5, 2016.

C.J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2016–08199 Filed 4–8–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2016–0194]

RIN 1625–AA00

Safety Zone: Santa Cruz Harbor Shoaling, Santa Cruz County, CA

AGENCY: Coast Guard, DHS.

ACTION: Interim rule and request for comments.

SUMMARY: The Coast Guard is establishing an emergency safety zone in the navigable waters of Santa Cruz County, California due to severe shoaling at the entrance to Santa Cruz Harbor that has created hazardous conditions for vessels transiting the harbor. This emergency safety zone is established to ensure the safety of the mariners and vessels from the dangers associated with the severe shoaling. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zone without the permission of the Captain of the Port or a designated representative. This regulation is necessary to provide for the safety of life on the navigable waters in vicinity of the Santa Cruz Harbor entrance.

DATES: This rule is effective and may be enforced with actual notice from March 18, 2016 until May 1, 2016. This rule may be enforced with constructive notice from April 11, 2016 until May 1, 2016.

Comments and related material must be received by the Coast Guard on or before July 11, 2016.

ADDRESSES: Documents mentioned in this preamble are part of Docket Number USCG–2016–0194. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the "SEARCH" box and click "SEARCH." Click on "Open Docket Folder" on the line associated with this rulemaking. You may submit comments, identified by docket number, using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email If you have questions on this rule, call or email Lieutenant Marcia Medina, U.S. Coast Guard Sector San Francisco; telephone (415) 399–7443 or email at *D11-PF-MarineEvents@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS	Department of Homeland Security
FR	Federal Register
NPRM	Notice of Proposed Rulemaking
COTP	Captain of the Port
CY	Cubic Yards
APA	Administrative Procedure Act

A. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Documents mentioned in this interim rule as being available in the docket, and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

B. Regulatory History and Information

Ongoing shoaling caused by El Niño weather patterns has been observed within the Santa Cruz Harbor in Santa Cruz, CA. El Niño has caused ocean currents, swells and surf to shift from the prevailing northwesterly direction to southerly, directly into the federal channel. Rain storms in December 2015 and January 2016 contributed large volumes of sand and debris from the San Lorenzo River and its tributaries, as well as other coastal streams west and north of the Santa Cruz Harbor federal channel to cause severe shoaling at the entrance of Santa Crux Harbor. According to the Santa Cruz Port District, "unusually high shoaling rates in the entrance channel, to date, have produced approximately 310,000 cubic yards (CY) of sand. Of that amount, 200,000 CY were dredged between December 10, 2015, and February 29, 2016, and an estimated 110,000 CY remains within the federal channel."

The Coast Guard is issuing this interim final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest."

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The Coast Guard received the information about the severe shoaling within the harbor on March 4, 2016, and determined that good cause exists to establish an emergency safety zone to protect life and property of mariners in the area. The El Niño season has caused significant and unexpected shoaling within the Santa Cruz Harbor Channel. The shoaling presents a significant hazard to navigation as the charted depths are no longer accurate and the resulting surf conditions have created inherent hazards for all vessels transiting the area. Immediate regulatory action is required to safeguard life, health and property of mariners in the area. Notice and Comment on this rule is impracticable because it would delay the Safety Zone and consequently put mariners and dredging crews at risk of allision and groundings. On February 4, 2016, the Santa Cruz Port District declared that a state of emergency exists warranting expenditure of public funds to finance the emergency dredging of the harbor. The Coast Guard requested immediate assistance from the Army Corps of Engineers to conduct emergency dredging as soon as safe and practicable on March 8, 2016. The Coast Guard received the information about the severe shoaling within the harbor on March 4, 2016, and determined an emergency safety zone was necessary to protect life and property of mariners in the area.

C. Basis and Purpose

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish safety zones.

The Santa Cruz Harbor Shoaling safety zone will encompass the entire entrance to Santa Cruz Harbor in the area contained with two borders. A northern border defined by the line created by extending the Santa Cruz Harbor boat launch ramp to the harbor's opposite shore and a southern border defined by the line connecting the end points of the Santa Cruz Harbor East Breakwater to Santa Cruz Harbor West Breakwater as depicted in National Oceanic and Atmospheric Administration (NOAA) Chart 18685. Due to the shifting shoaling locations, the safety zone applies to the navigable waters enclosed by these borders, effectively encompassing all of the Santa Cruz Harbor Entrance. This safety zone is effective immediately upon promulgation until 10 p.m. on May 01, 2016 or until emergency dredging is completed. The Coast Guard will issue a Broadcast Notice to Mariners upon the completion of emergency dredging and the deactivation of the safety zone. This safety zone is meant for safety of vessels transiting the harbor. This restricted area in the harbor is necessary to protect mariners, vessels, and other property from the hazards associated with severe shoaling. The Coast Guard has issued notice to mariners warning of significant shoaling at the harbor entrance that may result in breaking surf between the jetties.

D. Discussion of the Interim Rule

The Coast Guard is establishing an emergency safety zone that will encompass the navigable waters of the Santa Cruz Harbor entrance channel as defined by the area contained with two borders: A northern border defined by the line created by extending the Santa Cruz Harbor boat launch ramp to the harbor's opposite shore and a southern border defined by the line connecting the end points of the Santa Cruz Harbor East Breakwater to Santa Cruz Harbor West Breakwater as depicted in National Oceanic and Atmospheric Administration (NOAA) Chart 18685. This emergency safety zone will be effective immediately upon promulgation until 10 p.m. on May 01, 2016 or until the completion of emergency dredging. The Coast Guard will issue a Broadcast Notice to Mariners upon the completion of emergency dredging and the deactivation of the safety zone. The effect of the temporary safety zone will be to restrict navigation of all vessels in the vicinity of the severe shoaling. Except for persons or vessels authorized by the Captain of the Port or his designated representative, no person or vessel may enter or remain in the restricted area. These regulations are needed to keep all vessels away from the severe shoaling to ensure the safety of all transiting vessels.

E. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. We expect the economic impact of this rule will not rise to the level of necessitating a full Regulatory Evaluation. The safety zone is limited in duration, and is limited to a narrowly tailored geographic area. In addition, although this rule restricts access to the waters encompassed by the safety zone, the effect of this rule will not be significant because the local waterway users will be notified via public Broadcast Notice to Mariners to ensure the safety zone will result in minimum impact. The entities most likely to be affected are waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities. Vessel traffic has been very limited since December 11, 2015 due to soundings being approximately less than 02 feet at the entrance of the Santa Cruz Harbor. Local officials have been proactive in notifying the public of the hazardous conditions associated with the severe shoaling in the channel. Signage, boating notices, and verbal advisories have been issued to the public via the Harbor Master. Detailed information regarding the harbor conditions have been posted on *http://www.santacruzharbor.org/* and weekly emails have been delivered.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect owners and operators of waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities and sightseeing. This safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons. This safety zone would be activated, and thus subject to enforcement, for a limited duration. Due to the shifting locations of the shoaling, which causes erratic changes in channel depth, all traffic has been limited in transiting the Santa Cruz Harbor Channel. The maritime public will be advised in advance of this safety zone via Broadcast Notice to Mariners. Vessel traffic currently cannot pass safely around the safety zone area. If deemed safe, traffic would be allowed to pass through the zone with the permission of the Captain of the Port or his designated representative.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children From Environmental Health Risks

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This action is not a "significant energy action" under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves limiting all vessel traffic in the through the Santa Cruz Harbor Entrance Channel due to the hazardous conditions associated with the severe shoaling occurring in the area. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, and Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 165.T11–0194 to read as follows:

§ 165.T11–0194 Safety Zone; Santa Cruz Harbor Shoaling, Santa Cruz, CA.

(a) *Location.* This safety zone is established in the navigable waters of the Monterey Bay near the Santa Cruz Harbor Entrance in Santa Cruz, CA as depicted in National Oceanic and Atmospheric Administration (NOAA) Chart 18685. The safety zone applies to the navigable waters of the entrance of Santa Cruz Harbor as defined by the area contained with two borders: A northern border defined by the line created by extending the Santa Cruz Harbor boat launch ramp to the harbor's opposite shore and a southern border defined by the line connecting the end points of the Santa Cruz Harbor East Breakwater to Santa Cruz Harbor West Breakwater as depicted in National Oceanic and Atmospheric Administration (NOAA) Chart 18685. This emergency safety zone will be effective immediately upon promulgation until 10 p.m. on May 1, 2016, or until the completion of emergency dredging. The Coast Guard will issue a Broadcast Notice to Mariners upon the completion of emergency dredging and the deactivation of the safety zone. This safety zone is meant for safety of all vessels transiting the harbor. This restricted area in the harbor is necessary to protect vessels, and other property from the hazards associated with severe shoaling. The Coast Guard has issued notice to mariners warning of significant shoaling at the harbor entrance that may result in breaking surf between jetties.

(b) *Enforcement period.* The safety zone described in paragraph (a) of this section will be enforced immediately upon promulgation until 10 p.m. on May 1, 2016, or upon the completion of emergency dredging. The Coast Guard will issue a Broadcast Notice to Mariners upon the completion of emergency dredging and the deactivation of the safety zone. The Captain of the Port San Francisco (COTP) will notify the maritime community of periods during which this zone will be enforced via Broadcast Notice to Mariners in accordance with 33 CFR 165.7.

(c) *Definitions.* As used in this section, "designated representative" means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer on a Coast Guard vessel or a Federal, State, or local officer designated to assist in the enforcement of the safety zones.

(d) *Regulations.* (1) Under the general regulations in 33 CFR part 165, subpart C, entry into, transiting or anchoring within this safety zone is prohibited unless authorized by the COTP or a designated representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or a designated representative.

(3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or a designated representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP or a designated representative. Persons and vessels requesting permission to enter the safety zone from 9 a.m. to 5 p.m. may contact the Harbor Master on VHF–9 or via telephone at (831) 475–6161; or through the 24-hour Command Center at telephone (415) 399–3547.

Dated: March 18, 2016.

Gregory G. Stump,

Captain, U.S. Coast Guard, Captain of the Port San Francisco.

[FR Doc. 2016–08220 Filed 4–8–16; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket Nos. 10–90, 14–58, 14–259; FCC 16–28]

Connect America Fund, ETC Annual Reports and Certifications, Rural Broadband Experiments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) clarifies that price cap carriers can use Phase II model-based support to serve locations in eligible census blocks where the price cap carrier has served or intends to serve a location or locations using Phase I Round 2 incremental support. The Commission also makes several modifications to the letter of credit requirements for recipients of rural broadband experiment support.

DATES: Effective May 11, 2016.

FOR FURTHER INFORMATION CONTACT: Alexander Minard, Wireline Competition Bureau, (202) 418–7400 or TTY: (202) 418–0484.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order in WC Docket No. 10–90, 14–58 and 14–259; FCC 16–28, adopted on March 8, 2016 and released on March 9, 2016. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th Street SW., Washington, DC 20554 or at the following Internet address: *http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db0309/FCC-16-28A1.pdf.*

I. Introduction

1. In this Order the Commission clarifies that price cap carriers can use Phase II model-based support to serve locations in eligible census blocks where the price cap carrier has served or intends to serve a location or locations using Phase I Round 2 incremental support. The Commission also makes several modifications to the letter of credit requirements for recipients of rural broadband experiment support.

II. Interplay Between Phase I Incremental Support and Phase II

2. In 2013, the Commission instructed price cap carriers to meet their Phase I Round 2 incremental support obligations by deploying service to locations outside of the census blocks

where they will receive Phase II support. The intent was to take steps to ensure that Connect America funds are used "in the most efficient manner possible" and to "avoid providing excess support in an area." Subsequently, in December 2014, the Commission adopted a requirement that price cap carriers accepting model-based support annually submit a list of the geo-coded locations that are newly broadband-capable as a result of Phase II funding.

3. On April 29, 2015, the Wireline Competition Bureau (Bureau) announced the final details of the offer of Phase II model-based support to price cap carriers, setting an August 27, 2015 deadline to accept or decline the offer. Ten carriers accepted over $1.5 billion in annual support to provide broadband to nearly 7.3 million consumers in 45 states and the Commonwealth of the Northern Mariana Islands.

4. *Discussion.* The Commission now clarifies that in light of the adoption of the geo-coded location reporting requirement for recipients of Phase II model-based support, if a price cap carrier has served or intends to serve a location or locations using Phase I Round 2 incremental support in a census block where that price cap carrier accepted Phase II model-based support, that price cap carrier may use Phase II model-based support to serve the remaining eligible locations within that census block. Because it would be an inefficient use of Connect America support to permit a price cap carrier to receive both Phase I incremental and Phase II model-based support to serve a single location, however, the price cap carrier may not count the locations it serves using Phase I Round 2 incremental support towards its Phase II obligation to serve a set number of locations within the state. Accordingly, if the price cap carrier is using Phase I Round 2 funding to upgrade, or has already upgraded, specific locations in census blocks that were part of the offer of model-based support, it will need to deploy service to other locations in Phase II eligible census blocks or extremely high-cost census blocks in the state to fulfill its Phase II model-based support obligation to serve a specific number of locations.

5. The Commission directs the Universal Service Administrative Company (USAC) to compare the list of geocoded locations that price cap carriers submit for their Phase II deployment obligation, with the list of geocoded locations that price cap carriers must submit to indicate the locations which they have served or will serve to satisfy their Phase I Round 2 obligation. If USAC determines that a price cap carrier has included in its list of Phase II locations any locations that the price cap carrier indicated it has deployed to or will deploy to using Phase I Round 2 incremental support, that price cap carrier will be deemed to have not met its Phase II model-based support build-out obligation and will be subject to the applicable non-compliance measures.

6. The Commission makes this modest adjustment to its earlier conclusion that price cap carriers could not use Phase I Round 2 support to serve locations in census blocks where they receive Phase II support because at the time the Commission made these statements, it had not yet adopted the more granular reporting requirements for price cap carriers accepting Phase II support to identify the locations they have served using Phase II support. The Bureau and USAC will now have access to geocoded information for each location that a price cap carrier serves using Phase I Round 2 and using Phase II support, and thus can verify in a more targeted manner that support is being used efficiently on a location-by-location basis rather than on a census block-by-census block basis.

III. Rural Broadband and Experiments

7. Before a provisionally selected bidder may be authorized to begin receiving support, it must obtain a letter of credit that meets the Commission's requirements. Under those existing requirements, throughout the 10-year support term, the letter of credit must be valued at an amount equal to the total amount of support that has been disbursed plus the amount of support the recipient will receive in the next disbursement. Rural broadband experiment recipients must maintain an open and renewed letter of credit until 120 days after the support term has ended. They must build out to 85 percent of locations with voice and broadband service meeting the relevant public interest obligations by year three and to 100 percent of locations by year five of their support term. Recipients receive their rural broadband experiment support in equal monthly installments over the 10-year term, but they were given the opportunity to request 30 percent of their support upfront. Recipients that elected this option are required to build out to at least 25 percent of the required number of locations within 15 months of their first disbursement of support.

8. *Discussion.* The Commission grants the Alliance of Rural Broadband Applicants (ARBA) petition for waiver in part to the extent the ARBA sought a reduction in the duration of the letter of credit requirement and asked that rural broadband experiment recipients be released from their letter of credit obligations upon satisfying their deployment obligations. In response to concerns raised about the cost of maintaining a letter of credit for the entire support period, the Commission will require that the letter of credit only remain open until the recipient has certified that it has deployed broadband and voice service meeting the Commission's requirements to 100 percent of the required number of locations, and USAC has validated that the entity has fully deployed its network. The Commission concludes that such an approach will help alleviate the costs of obtaining a letter of credit, particularly for entities that are able to build out their networks faster than the five-year build-out period, while still protecting the Commission's ability to recover the funds in the event that the entity is not building out its network as required. This approach is consistent with the approach used for Mobility Fund Phase I and Tribal Mobility Fund Phase I, where an entity is required to maintain a letter of credit valued at the support that had been disbursed until the Commission verifies that the build-out has been completed. As a result, authorized rural broadband experiment recipients must only maintain their letter of credit until it is verified that the final build-out milestone has been met.

9. Recognizing that the risk of a default will lessen as a recipient makes progress towards building its network, the Commission also finds that it is appropriate to modestly reduce the value of the letter of credit in an effort to reduce the cost of maintaining a letter of credit as the recipient meets certain build-out milestones. Once recipients have met the 85 percent build-out milestone, the Commission will also permit those recipients to obtain a new or renew their existing letters of credit so that they are valued at 80 percent of the total support disbursed plus the next year of support until the 100 percent build-out milestone has been met and verified. The Commission concludes that the benefit to recipients of potentially decreasing the cost of the letter of credit as it becomes less likely that a recipient will default outweighs the potential risk that if a recipient does default and is unable to cure, the Commission will be unable to recover a modest amount of support.

10. Once a rural broadband experiment recipient has certified that it has deployed broadband and voice service meeting the Commission's

requirements to 100 percent of the required number of locations and supplied the geocoded data for the final locations, it must keep the letter of credit open until the Commission can verify that the deployment has been met. The Commission directs USAC to implement processes to verify in a timely manner that deployment has occurred. Once a rural broadband experiment recipient no longer maintains a letter of credit, the Commission will withhold support as described in the *Rural Broadband Experiments Order,* 79 FR 45705, August 6, 2014, if the Commission finds that the rural broadband experiment recipient is not providing voice and broadband service that meets the Commission's requirements to the funded locations. If after the year cure period, the rural broadband experiment recipient is still not providing service that meets the Commission's requirements to all of the required locations, the Commission will withhold from the entity a percentage of support equivalent to the entity's compliance gap until it comes into compliance, rather than recover 100 percent of the support as originally contemplated when the Commission expected that the entity would have a letter of credit in place for the entire support period. If the entity cures the default before the 10-year support term has ended, it will be entitled to the withheld support and any subsequent payments.

11. The Commission concludes that it is not necessary to continue to require rural broadband experiment recipients to maintain a letter of credit after the build-out period to provide an adequate incentive for rural broadband experiment recipients to offer service that meets the Commission's requirements. The Commission notes that rural broadband experiment recipients remain subject to forfeitures and other consequences for non-compliance in the event of a default, including but not limited to, potential revocation of ETC designation and disqualification from future competitive bidding for universal service support.

12. The Commission also grants ARBA's petition in part to the extent that it requests that entities that elected to receive 30 percent of their payment upfront be permitted to amend their applications to propose the standard deployment time period. The Commission adopted the requirement that entities specify whether they would be interested in receiving 30 percent of their support upfront in their applications so that the Commission could learn about whether there was interest in upfront support for the Phase II competitive bidding process. To help reduce the costs of the letter of credit requirement for entities that have elected upfront support, the Commission will permit such entities that have not already been authorized to receive rural broadband experiment support to send a letter to the Commission electing to receive support in equal installments throughout the 10-year term rather than 30 percent upfront before they are authorized to begin receiving support. If they elect this option before they are authorized, they will no longer be required to deploy to 25 percent of locations and submit the required certifications within 15 months of their first disbursement of support. To the extent provisionally selected bidders decide they still want to receive 30 percent of their support upfront they will need to obtain a letter of credit that covers this amount.

13. The Commission denies ARBA's petition in part to the extent it requests that the Commission reduce the value of the letter of credit to 50 percent of support. Such an approach would prevent the Commission from recovering half of the Connect America support that it will disburse to rural broadband experiment recipients during the build-out period in the event that such support is not used for its intended purposes. While such an approach may reduce costs further for recipients, the Commission is not persuaded that the public interest will be better served by protecting only half of the Connect America support, particularly when the Commission has adopted other measures to help reduce the costs of maintaining a letter of credit for rural broadband experiment recipients.

IV. Procedural Matters

A. Paperwork Reduction Act Analysis

14. This document does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

B. Congressional Review Act

15. The Commission will send a copy of this Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act.

C. Final Regulatory Flexibility Act Certification

16. The Regulatory Flexibility Act of 1980, as amended (RFA), requires that a regulatory flexibility analysis be prepared for rulemaking proceedings, unless the agency certifies that "the rule will not have a significant economic impact on a substantial number of small entities." The RFA generally defines "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

17. This Order modifies and clarifies the rules adopted by the Commission in the *Rural Broadband Experiments Order,* the *Phase I Round 2 Order,* 78 FR 38227, June 26, 2013 and the *USF/ICC Transformation Order,* 76 FR 73830, November 29, 2011. These modifications and clarifications do not create any burdens, benefits, or requirements that were not addressed by the Final Regulatory Flexibility Analysis attached to *USF/ICC Transformation Order* and the *Rural Broadband Experiments Order.* Therefore, the Commission certifies that the requirements of this Order will not have a significant economic impact on a substantial number of small entities. The Commission will send a copy of the Order including a copy of this final certification in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. In addition, the Order and this certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration, and will be published in the **Federal Register**.

D. Additional Information

18. *People with Disabilities.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

19. *Additional Information.* For additional information on this proceeding, contact Alexander Minard of the Wireline Competition Bureau, Telecommunications Access Policy Division, *Alexander.Minard@fcc.gov,* (202) 418–7400.

V. Ordering Clauses

20. Accordingly, *it is ordered,* pursuant to the authority contained in sections 1, 2, 4(i), 5, 10, 214, 218–220, 254, 303(r), 403, and 503 of the Communications Act of 1934, as amended, and section 706 of the Telecommunications Act of 1996, 47 U.S.C. 151, 152, 154(i), 155, 160, 214, 218–220, 254, 303(r), 403, 503, 1302, and sections 1.1, and 1.427 of the Commission's rules, 47 CFR 1.1, and 1.427, that this *order is adopted,* effective thirty (30) days after publication of the text or summary thereof in the **Federal Register**.

21. *It is further ordered* that, pursuant to section 1.3 of the Commission's rules, 47 CFR 1.3, the Petition for Waiver filed by the Alliance of Rural Broadband Applicants on January 27, 2015 is *granted in part* and *denied in part* to the extent described herein.

22. *It is further ordered* that the Commission *shall send* a copy of this Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

23. *It is further ordered,* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Order, including the Final Regulatory Flexibility Act Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Comunications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2016–07718 Filed 4–8–16; 8:45 am]

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Proposed Rules

Federal Register
Vol. 81, No. 69
Monday, April 11, 2016

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket Number EERE–2016–BT–STD–0007]

RIN 1904–AD65

Energy Conservation Program: Energy Conservation Standards for Direct Heating Equipment

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of proposed determination (NOPD).

SUMMARY: The Energy Policy and Conservation Act of 1975 (EPCA), as amended, prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including direct heating equipment (DHE). EPCA also requires the U.S. Department of Energy (DOE) to periodically determine whether more-stringent, amended standards would be technologically feasible and economically justified, and would save a significant amount of energy. In this document, DOE has tentatively determined that more stringent DHE standards would not be economically justified, and, thus, proposes not to amend its energy conservation standards for DHE.

DATES: DOE will accept comments, data, and information regarding this NOPD no later than June 10, 2016. See section V, "Public Participation," for details.

ADDRESSES: Any comments submitted must identify the NOPD on Energy Conservation Standards for Direct Heating Equipment, and provide docket number EERE–2016–BT–STD–0007 and/or regulatory information number (RIN) 1904–AD65. Comments may be submitted using any of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.

2. *Email: DHE2016STD0007@ee.doe.gov.* Include the docket number and/or RIN in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.

3. *Postal Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW., Room 6094, Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted. For detailed instructions on submitting comments and additional information on the rulemaking process, see section V of this document ("Public Participation").

Docket: The docket, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *www.regulations.gov.* All documents in the docket are listed in the *www.regulations.gov* index. However, some documents listed in the index may not be publicly available, such as those containing information that is exempt from public disclosure.

A link to the docket Web page can be found at: *http://www.regulations.gov/#!docketDetail;D=EERE-2016-BT-STD-0007.* This Web page contains a link to the docket for this notice on the *www.regulations.gov* site. The *www.regulations.gov* Web page contains simple instructions on how to access all documents, including public comments, in the docket. See section V, "Public Participation," for further information on how to submit comments through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: John Cymbalsky, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–1692. Email: *direct_heating_equipment@ee.doe.gov.*

Ms. Sarah Butler, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–1777. Email: *Sarah.Butler@hq.doe.gov.*

For further information on how to submit a comment, review other public comments and the docket, or participate in the public meeting, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov.*

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I. Summary of the Proposed Determination

DOE proposes to determine that energy conservation standards should not be amended for direct heating equipment (DHE). DOE has tentatively determined that the DHE market characteristics are largely similar to those analyzed in the previous rulemaking and the technologies available for improving DHE energy efficiency have not advanced significantly since the previous rulemaking analyses[1] (concluding with the publication of a final rule on April 16, 2010, hereafter "April 2010 Final Rule"). 75 FR 20112. In addition, DOE believes the conclusions reached in the April 2010 Final Rule regarding the benefits and burdens of more stringent standards for DHE are still relevant to the DHE market today. Therefore, DOE has tentatively determined that amended energy conservation standards would not be economically justified.

A. Authority

Title III, Part B[2] of the Energy Policy and Conservation Act of 1975 ("EPCA" or "the Act"), Public Law 94–163 (codified at 42 U.S.C. 6291–6309) established the Energy Conservation Program for Consumer Products Other Than Automobiles.[3] This program covers most major household appliances (collectively referred to as "covered products") including the DHE, which are the subject of this document. (42 U.S.C. 6292 (a)(9)) EPCA prescribed initial energy conservation standards for DHE and directs DOE to conduct future rulemakings to determine whether to amend these standards. (42 U.S.C. 6295(e)(3) and (4)) DOE is issuing this notice pursuant to that requirement, in addition to the requirement under 42 U.S.C. 6295(m), which states that DOE must periodically review its already established energy conservation standards for a covered product not later than six years after issuance of any final rule establishing or amending such standards. As a result of such review, DOE must either publish a notice of proposed rulemaking to amend the standards or publish a notice of determination indicating that the existing standards do not need to be amended. (42 U.S.C. 6295(m)(1)(A) and (B))

Pursuant to the requirements set forth under EPCA, any new or amended standard for a covered product must be designed to achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified. (42 U.S.C. 6295(o)(2)(A)) Furthermore, DOE may not adopt any standard that would not result in the significant conservation of energy. (42 U.S.C. 6295(o)(3)(B)) Moreover, DOE may not prescribe a standard: (1) For certain products, including DHE, if no test procedure has been established for the product,[4] or (2) if DOE determines by rule that the standard is not technologically feasible or economically justified. (42 U.S.C. 6295(o)(3)(A)(B)) In deciding whether a proposed standard is economically justified, DOE must determine whether the benefits of the standard exceed its burdens. (42 U.S.C. 6295(o)(2)(B)(i)) DOE must make this determination after considering, to the greatest extent practicable, the following seven statutory factors:

(1) The economic impact of the standard on manufacturers and consumers of the products subject to the standard;

(2) The savings in operating costs throughout the estimated average life of the covered products in the type (or class) compared to any increase in the price, initial charges, or maintenance expenses for the covered products that are likely to result from the standard;

(3) The total projected amount of energy (or as applicable, water) savings likely to result directly from the standard;

(4) Any lessening of the utility or the performance of the covered products likely to result from the standard;

(5) The impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the standard;

(6) The need for national energy and water conservation; and

(7) Other factors the Secretary of Energy (Secretary) considers relevant. (42 U.S.C. 6295(o)(2)(B)(i)(I)–(VII))

Further, EPCA, as codified, establishes a rebuttable presumption that a standard is economically justified if the Secretary finds that the additional cost to the consumer of purchasing a product complying with an energy conservation standard level will be less than three times the value of the energy savings during the first year that the consumer will receive as a result of the standard, as calculated under the applicable test procedure. (42 U.S.C. 6295(o)(2)(B)(iii))

EPCA, as codified, also contains what is known as an "anti-backsliding" provision, which prevents the Secretary from prescribing any amended standard that either increases the maximum allowable energy use or decreases the minimum required energy efficiency of a covered product. (42 U.S.C. 6295(o)(1)) Also, the Secretary may not prescribe an amended or new standard if interested persons have established by a preponderance of the evidence that the standard is likely to result in the unavailability in the United States in any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the United States. (42 U.S.C. 6295(o)(4))

Federal energy conservation requirements generally supersede State laws or regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6297(a)–(c)) DOE may, however, grant waivers of Federal preemption for particular State laws or regulations, in accordance with the procedures and other provisions set forth under 42 U.S.C. 6297(d).

Finally, any final rule for new or amended energy conservation standards promulgated after July 1, 2010, is required to address standby mode and off mode energy use. (42 U.S.C. 6295(gg)(3)) Specifically, when DOE adopts a standard for a covered product after that date, it must, if justified by the criteria for adoption of standards under EPCA (42 U.S.C. 6295(o)), incorporate standby mode and off mode energy use into a single standard, or, if that is not feasible, adopt a separate standard for such energy use for that product. (42 U.S.C. 6295(gg)(3)(A)–(B)) DOE's current test procedures for vented home heating equipment address standby mode fossil-fuel energy use.

B. Background

1. Current Standards

In the April 2010 Final Rule, DOE prescribed the current energy conservation standards for DHE manufactured on and after April 16, 2013. 75 FR 20112. These standards are set forth in DOE's regulations at 10 CFR 430.32(i)(2) and are shown in Table I–1.[5]

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[1] With the exception of condensing technology for fan-type wall furnaces, discussed in section II.

[2] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated as Part A.

[3] All references to EPCA in this document refer to the statute as amended through the Energy Efficiency Improvement Act, Public Law 114–11 (April 30, 2015).

[4] The DOE test procedures for DHE appear at title 10 of the Code of Federal Regulations (CFR) part 430, subpart B, appendix O and 10 CFR 430, subpart B, appendix G (Appendix G).

[5] DOE notes that DHE is defined at 10 CFR 430.2 as vented home heating equipment and unvented home heating equipment; however, the existing energy conservation standards apply only to product classes of vented home heating equipment. There are no existing energy conservation standards for unvented home heating equipment.

TABLE I–1—FEDERAL ENERGY CONSERVATION STANDARDS FOR DHE (10 CFR 430.32(i)(2))

Product class	Annual fuel utilization efficiency, April 16, 2013 (percent)
Gas wall fan type up to 42,000 Btu/h	75
Gas wall fan type over 42,000 Btu/h	76
Gas wall gravity type up to 27,000 Btu/h	65
Gas wall gravity type over 27,000 Btu/h up to 46,000 Btu/h	66
Gas wall gravity type over 46,000 Btu/h	67
Gas floor up to 37,000 Btu/h	57
Gas floor over 37,000 Btu/h	58
Gas room up to 20,000 Btu/h	61
Gas room over 20,000 Btu/h up to 27,000 Btu/h	66
Gas room over 27,000 Btu/h up to 46,000 Btu/h	67
Gas room over 46,000 Btu/h	68

2. History of Rulemakings for Direct Heating Equipment

EPCA, as codified, initially set forth energy conservation standards for certain DHE product classes that are the subject of this document and directed DOE to conduct two subsequent rulemakings to determine whether the existing standards should be amended. (42 U.S.C. 6295(e)(3) and (4)) The first of these two rulemakings included both DHE and pool heaters and concluded with the April 2010 Final Rule (codified at 10 CFR 430.32(i) and (k)). 75 FR 20112. With respect to DHE, the first rulemaking amended the energy conservation standards for vented home heating equipment, a subset of DHE, and consolidated some of the product classes from the previous standards established by EPCA. Compliance with the amended standards was required beginning on April 16, 2013. *Id.* DOE did not issue standards for unvented home heating equipment, a subset of DHE, finding that such standards would produce insignificant energy savings. 75 FR 20112, 20130.

This rulemaking satisfies the statutory requirement under EPCA to (1) conduct a second round of review of the DHE standards (42 U.S.C. 6295(e)(4)(B)) and (2) publish either a notice of determination that standards for DHE do not need to be amended or a notice of proposed rulemaking proposing to amend the DHE energy conservation standards (42 U.S.C. 6295(m)(1)). To initiate this rulemaking, DOE issued a Request for Information (RFI) in the **Federal Register** on March 26, 2015 (hereafter "March 2015 RFI"). 80 FR 15922. Through that RFI, DOE requested data and information pertaining to its planned technical and economic analyses for DHE and pool heaters. Although the March 2015 RFI and the previous energy conservation standards rulemaking included both DHE and pool heaters, going forward DOE has elected to conduct separate rulemakings for each of these products. This rulemaking pertains solely to the energy conservation standards for DHE. As such, a new docket has been created that pertains solely to this DHE rulemaking, which has been populated with relevant comments from the March 2015 RFI (the docket is available *http://www.regulations.gov/#!docketDetail;D=EERE-2016-BT-STD-0007).*

April 2010 Final Rule

In the most recent DOE rulemaking for DHE energy conservation standards, DOE initially proposed standards for vented home heating products in a NOPR published on December 11, 2009 ("December 2009 NOPR") that represented a six AFUE percentage point (weighted-average across all product classes) increase over the standards initially established by EPCA and codified at 42 U.S.C. 6295(e)(3). 74 FR 65852 (December 11, 2009). The December 2009 NOPR proposed standard level, TSL 3, represented an improvement in efficiency from the previous baseline level of 74-percent AFUE to 77-percent for gas wall fan DHE, an improvement in efficiency from the previous baseline level of 64-percent AFUE to 71-percent AFUE for gas wall gravity units, an improvement in efficiency from the previous baseline level of 57-percent AFUE to 58-percent AFUE for gas floor DHE (the max-tech level), and an improvement in efficiency from the previous baseline level of 64-percent AFUE to 68-percent for gas room DHE at the representative input rating ranges. 74 FR 65852, 65943 (December 11, 2009).

DOE's initial analysis in the December 2009 NOPR showed that TSL 3 could result in as much as a $6.0 million (33.54%) decrease in the Industry Net Present Value, or INPV, with total conversion costs (costs for redesigning and retooling product lines not already meeting the amended standards) potentially amounting to $6.39 million. 74 FR 65852, 65942 (December 11, 2009).

In response to the December 2009 NOPR several commenters recommended that DOE not adopt amended standards for DHE due to significant impact on manufacturers and low shipments of DHE (and therefore low energy savings potential). Commenters indicated that the manufacturer investments needed to comply with standards set at TSL 3 would not be justified due to the large investment needed to upgrade product lines and the declining shipments through which DHE manufacturers would need to recoup their expenditures. Various comments also suggested that product offerings would be reduced or manufacturers would leave the market entirely if TSL 3 were selected. The U.S. Department of Justice commented that there was significant risk of reducing competition resulting from businesses leaving the market and requested that DOE consider the possible impact on competition in determining standards for the final rule. DOE agreed that TSL 3 posed the risk of reduced product lines or manufacturers exiting the market. Commenters also expressed concern that employment in the DHE industry would be negatively affected by amended energy conservation standards. Several manufacturers of DHE believed that the proposed standard would harm employment due to elimination of non-compliant product lines and/or insufficient return on the investment necessary to meet new standards.

After considering these comments responding to the proposed TSL 3 in the December 2009 NOPR, DOE ultimately rejected TSL 3 and all higher TSLs in the final rule, on the grounds that capital conversion costs would lead to a large reduction in INPV and that small businesses would be disproportionately impacted. In the analysis for the April 2010 Final Rule, DOE updated its estimate for the maximum decrease in INPV to 42.4% (or $7.0 million) from the 33.54% maximum decrease estimated in the December 2009 NOPR. 75 FR 20112, 20218–20219 (April 16, 2010). DOE also notes that the life-cycle cost (LCC) and payback period analyses (PBP) for TSL 4 and higher suggested that benefits to consumers were outweighed by initial costs. 75 FR 20112, 20215–20218 (April 16, 2010).

In the previous DHE rulemaking, DOE found that the DHE industry had undergone significant consolidation, with three manufacturers, including two small businesses, controlling the vast majority of the market. DOE determined that a steady decline in shipments drove industry consolidation and found that the remaining DHE manufacturers maintained a variety of legacy brands and product lines in order to meet the needs of consumers replacing their existing DHE products, rather than product lines for new construction. DOE determined in the April 2010 Final Rule that a standard above TSL 2 would have required manufacturers to undertake significant investments in order to upgrade a series of product lines intended primarily for replacement applications. Because the DHE market is a low-volume market, manufacturers would have to spread their product development costs and capital investments over relatively few shipments. At levels above TSL 2, DOE determined that there would be limited opportunity for manufacturers to recoup these costs, leading to significant declines in industry profitability. Furthermore, DOE found that small business manufacturers could be disproportionately disadvantaged by a more stringent standard based on a combination of low shipment volumes and a high ratio of anticipated investment costs to annual earnings. As a result, DOE concluded that TSLs higher than TSL 2 would likely induce small business manufacturers to reduce their product offerings or to exit the market entirely. 75 FR 20112, 20217–20219 (April 16, 2010). DOE, therefore, adopted standards at TSL 2 for vented home heating equipment. Compliance with the adopted standards (codified at 10 CFR 430.32(i)(2)) was required for all vented home heating equipment manufactured on or after April 16, 2013.

II. Rationale

For this rulemaking DOE conducted a review of the current DHE market, including product literature and product listings in the DOE Compliance Certification Management System (CCMS) database and Air-Conditioning, Heating, and Refrigeration Institute (AHRI) product directory.[6] DOE contractors also analyzed current products through product teardowns and engaged in manufacturer interviews to obtain further information in support of its analysis. Through this analysis, DOE has determined that few changes to the industry and product offerings have occurred since the April 2010 Final Rule. As such, DOE has tentatively determined that the conclusions presented in the April 2010 Final Rule are still valid. Furthermore, in response to the March 2015 RFI, DOE received seven comment submissions. Only one submission, submitted by AHRI,[7] contained comments pertaining to DHE.[8] (Docket EERE–2016–BT–STD–0007: AHRI, No. 1 at p. 5–8)[9] The following discussion addresses the status of the current DHE market as well as issues raised in the comments submitted by AHRI and during manufacturer interviews.

As part of the analysis for this proposed determination, DOE reviewed the products offered on the market by analyzing the DOE CCMS database[10] and AHRI product directory[11] for DHE. DOE found that the number of models offered in each of the DHE product classes has decreased overall since the previous rulemaking. Table II–1 presents the number of models for each product class in the current DOE CCMS database along with the number of models identified for the April 2010 Final Rule.

TABLE II–1—DHE MODEL COUNTS BY PRODUCT CLASS FOR CURRENT AND PREVIOUS RULEMAKINGS

Product class	2015 model count*	2010 rulemaking model count
Gas floor type with an input capacity over 37,000 Btu/h	15	15
Gas floor type with an input capacity up to 37,000 Btu/h		
Gas room type with an input capacity over 20,000 Btu/h up to 27,000 Btu/h	28	**29
Gas room type with an input capacity over 27,000 Btu/h up to 46,000 Btu/h		
Gas room type with an input capacity over 46,000 Btu/h		
Gas room type with an input capacity up to 20,000 Btu/h		
Gas wall fan type with an input capacity over 42,000 Btu/h	68	82
Gas wall fan type with an input capacity up to 42,000 Btu/h		
Gas wall gravity type with an input capacity over 27,000 Btu/h up to 46,000 Btu/h	56	52
Gas wall gravity type with an input capacity over 46,000 Btu/h		
Gas wall gravity type with an input capacity up to 27,000 Btu/h		

* Using DOE CCMS database.

** The total room heater model count for the 2010 Final Rule was 123 models, however 94 of those models would no longer be considered DHE and, as such, have been excluded from this count.

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[6] The AHRI directory for DHE can be found at: *https://www.ahridirectory.org/ahridirectory/pages/dht/defaultSearch.aspx*. The DOE CCMS database can be found at: *http://www.regulations.doe.gov/certification-data/*.

[7] AHRI's comment submission in response to the March 2015 RFI contained comments pertaining to DOE's standards NOPR rulemaking analyses, including the shipments analysis, life cycle cost (LCC) and payback period (PBP) analyses, and energy use analysis. DOE is not responding to these particular comments at this time because DOE is proposing not to amend its standards for DHE, and therefore is not conducting the analyses to which these comments apply. If, in response to feedback regarding this document, DOE elects to conduct a rulemaking that would amend DHE standards, DOE will respond to these comments at that time.

[8] The remaining six submissions contained comments only relevant to pool heaters.

[9] A notation in this form provides a reference for information that is in the docket of DOE's rulemaking to develop energy conservation standards for DHE (Docket No. EERE–2016–BT–STD–0007), which is maintained at *www.regulations.gov*. This notation indicates that the statement preceding the reference was made by AHRI, is from document number 1 in the docket, and appears at pages 5–8 of that document.

[10] This database can be found at: *http://www.regulations.doe.gov/certification-data/*.

[11] This database can be found at: *https://www.ahridirectory.org/ahridirectory/pages/home.aspx*.

DOE also examined available technologies used to improve the efficiency of DHE. In the previous DHE rulemaking, DOE considered the following technology options in the engineering analysis for improving the efficiency of vented home heating equipment.

- Improved heat exchanger
- Two-speed blower (fan-type wall furnaces)
- Induced draft
- Electronic ignition

74 FR 65852, 65887 (December 11, 2009).

AHRI commented in response to the March 2015 RFI that the current energy conservation standards are close to if not at the maximum technology level for most product classes of DHE. (Docket EERE–2016–BT–STD–0007: AHRI, No. 1 at p. 4) During confidential manufacturer interviews, DOE received similar feedback regarding the small potential for improving efficiency over current standards for most product classes. Manufacturers suggested that the efficiency of these products is at or near the maximum attainable by improving the heat exchanger. Manufacturers indicated that because DHE are primarily sold as replacement units they are constrained by the footprint of the DHE unit which they are replacing, and so the opportunity to increase the heat exchanger size (and therefore size of the unit) is limited. They indicated that blowers and induced draft technologies requiring electricity are not currently found on the market or in any prototypes for gravity-type floor furnaces, room heaters, and floor furnaces because these products are designed to function entirely without electricity. Moreover, they suggested that because these units are primarily sold as replacement units, new designs or prototypes are generally not being pursued. DOE notes that the same technology options were considered as part of the previous DHE rulemaking analysis, and agrees that the technology options available for DHE likely have limited potential for achieving energy savings.[12]

Furthermore, the costs of these technology options are anticipated to be similar or higher than in the previous rulemaking analysis. As shipments have continued to decrease, DOE anticipates that the purchasing power of DHE manufacturers may have decreased because purchasing quantities for materials or parts (*e.g.* blower motors, electronic ignition components) have likely decreased. Therefore the incremental costs of manufacturing DHE units at higher efficiency levels may be similar or higher as compared to the previous rulemaking.

DOE seeks comment on its conclusion that the DHE market and technology options (except for condensing technology, discussed below) are similar to the previous rulemaking. This is identified as Issue 1 in section V.C.

In addition to these technology options, DOE notes that a condensing fan-type wall furnace has become available since the last rulemaking. Two input capacities are available: 17,500 Btu/h with a 90.2% AFUE rating, and 35,000 Btu/h with a 91.8% AFUE rating. DOE considers this basic model the maximum technology ("max-tech") option for fan-type wall furnaces. By statute, DOE must set amended standards that result in the maximum improvement in efficiency that is technologically feasible (42 U.S.C. 6295(p)(1)) and economically justified. (42 U.S.C. 6295(o)(2)(A)) DOE generally considers technologies available in the market or in prototype products in its list of technologies for improving efficiency. Therefore, DOE considers 91% AFUE the max-tech efficiency level for fan-type wall furnaces for this rulemaking. DOE notes that the max-tech efficiency level for fan-type wall furnaces in the April 2010 Final Rule was 80% AFUE.

With respect to the condensing max-tech efficiency level for fan-type wall furnaces, DOE received feedback during manufacturer interviews regarding the manufacturer production cost for the unit, as well as information regarding shipments, which indicated that condensing models are significantly more expensive to manufacture than non-condensing models and that shipments are currently negligible compared to overall DHE shipments. DOE conducted a teardown analysis ("reverse engineering") of the condensing fan-type wall furnace to confirm the manufacturer production cost. As anticipated, the manufacturer production cost for a condensing unit with 91% AFUE is the highest among fan-type wall furnaces, and represents a 23% incremental cost increase over a unit at 80% AFUE.[13] Manufacturer feedback indicated that shipments of these units are so low as to be negligible, as consumers are not willing to pay the high initial cost for such products. Furthermore, only one manufacturer currently makes a condensing fan-type wall furnace and others would need to make substantial investments in order to produce these units on a scale large enough to support a Federal minimum standard. Therefore, DOE has tentatively concluded that this technology option, which was not considered in the analysis for the April 2010 Final Rule, would not be economically justified today when analyzed for the Nation as a whole. DOE believes that severe manufacturer impacts would be expected if an energy conservation standard were adopted at this level. DOE seeks feedback on its determination that adopting a condensing efficiency level for fan-type wall furnaces would not be economically justified. This is identified in Issue 2 in section V.C.

Since the April 2010 Final Rule, the DHE industry has seen further consolidation, with the total number of manufacturers declining from six to four. Furthermore, according to manufacturers,[14] shipments have further decreased since the April 2010 Final Rule, and therefore it would be more difficult for manufacturers to recover capital expenditures resulting from increased standards. DOE acknowledges that DHE units continue to be produced primarily as replacements and that the market is small. DOE expects that shipments will continue to decrease and amended standards would likely accelerate the trend of declining shipments. Moreover, DOE anticipates small business impacts may be significant, as two of the four remaining manufacturers subject to DHE standards are small businesses. DOE believes that its conclusions regarding small businesses from the April 2010 Final Rule (*i.e.*, that small businesses would be likely to reduce product offerings or leave the DHE market entirely if the standard was set above the level adopted in that rulemaking) are still valid concerns. In addition, DOE continues to believe that an energy conservation standard for unvented home heating equipment would produce negligible energy savings, as DOE concluded in the April 2010 Final Rule.

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[12] DOE notes that for room heaters with input capacity up to 20,000 Btu/h, the maximum AFUE available on the market increased from 59% in 2009 (only one unit at this input capacity was available on the market at that time) to 71% in 2015. DOE anticipates that this due to heat exchanger improvements only because these units do not use electricity. Due to the small input capacity, DOE does not believe that this increase in AFUE (based on heat exchanger improvements relative to input capacity) is representative of or feasible for other room heater product classes.

[13] Manufacturer production costs assumes production volumes in the case that 91% AFUE is the energy conservation standard for this product class.

[14] Information obtained during confidential manufacturer interviews.

Shipments of DHE have continued to decrease since the last DHE energy conservation standards rulemaking. Low and decreasing shipments were cited by several commenters in response to the December 2009 NOPR as a reason that manufacturers would be unlikely to recoup investments after redeveloping product lines to meet more stringent standards. In the shipments analysis published in the April 2010 Final Rule, DOE forecasted DHE shipments would decrease 30% over the analysis period (30 years) from the 2005 level (see Chapter 9 of the TSD for the April 2010 Final Rule[15]). This analysis predicted total DHE shipments of approximately 150,000 units in 2014. Based on feedback obtained during confidential manufacturer interviews in 2015, DOE believes actual shipments in 2014 were closer to 120,000. DOE notes that low and decreasing shipment volume is primarily due to these products being sold predominantly as replacements. AHRI commented in response to the March 2015 RFI that the DHE market is already shrinking due to DHE being a replacement product, and that less than 5 percent of industry sales are for new construction. (Docket EERE–2016–BT–STD–0007: AHRI, No. 1 at p. 4) DOE has tentatively concluded that low shipment volumes remains a primary concern for manufacturers in light of potentially amended energy conservation standards. DOE seeks information and data related to shipments for DHE and this identified as Issue 3 in section V.C.

III. Proposed Determination

Due to the lack of advancement in the DHE industry since the April 2010 final rule in terms of product offerings, available technology options and associated costs, and declining shipment volumes, DOE believes that amending the DHE energy conservation standards would impose a substantial burden on manufacturers of DHE, particularly to small manufacturers. DOE rejected higher TSLs during the previous DHE rulemaking due to significant impacts on industry profitability, risks of accelerated industry consolidation, and the likelihood that small manufacturers would experience disproportionate impacts that could lead them to discontinue product lines or exit the market altogether. DOE believes that the market and the manufacturers' circumstances are similar to those found when DOE last evaluated amended energy conservation standards for DHE for the April 2010 Final Rule. As such, DOE believes that amended energy conservation standards for DHE would not be economically justified at any level above the current standard level because benefits of more stringent standards would not outweigh the burdens. Therefore, DOE has tentatively determined not to amend the DHE energy conservation standards. DOE seeks comment on its tentative determination not to amend its energy conservation standards for DHE and this is identified as Issue 4 in section V.C.

As discussed in section I.A, EPCA requires DOE to incorporate standby mode and off mode energy use into a single amended or new standard (if feasible) or prescribe a separate standard for standby mode and off mode energy consumption in any final rule establishing or revising a standard for a covered product, adopted after July 1, 2010. (42 U.S.C. 6295(gg)(3)(A)–(B)) Because DOE does not propose to amend standards for DHE in this document, DOE is not required to propose amended standards that include standby and off mode energy use. DOE notes that fossil fuel energy use in standby mode and off mode is already included in the AFUE metric, and DOE anticipates that electric standby and off mode energy use is small in comparison to fossil fuel energy use. DOE seeks comment on its proposal not to amend its standards for DHE to include electric standby and off mode energy use. This is identified as Issue 5 in section V.C.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866 and 13563

This proposed determination is not subject to review under Executive Order (E.O.) 12866, "Regulatory Planning and Review." 58 FR 51735 (October 4, 1993).

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, "Proper Consideration of Small Entities in Agency Rulemaking," 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's Web site (*http://energy.gov/gc/office-general-counsel*).

DOE reviewed this proposed determination under the provisions of the Regulatory Flexibility Act and the policies and procedures published on February 19, 2003. In this proposed determination, DOE finds that amended energy conservation standards for DHE would not be economically justified at any level above the current standard level because benefits of more stringent standards would not outweigh the burdens. If finalized, the determination would not establish amended energy conservation standards for DHE. On the basis of the foregoing, DOE certifies that the proposed determination, if adopted, would have no significant economic impact on a substantial number of small entities. Accordingly, DOE has not prepared an IRFA for this proposed determination. DOE will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

This proposed determination, which proposes to determine that amended energy conservation standards for DHE would not be economically justified at any level above the current standard level because benefits of more stringent standards would not outweigh the burdens, would impose no new information or record keeping requirements. Accordingly, the Office of Management and Budget (OMB) clearance is not required under the Paperwork Reduction Act. (44 U.S.C. 3501 *et seq.*)

D. Review Under the National Environmental Policy Act of 1969

In this NOPD, DOE tentatively determines that amended energy conservation standards for DHE would not be economically justified at any level above the current standard level because benefits of more stringent standards would not outweigh the burdens. DOE has determined that review under the National

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[15] This document is available at regulations.gov, docket number EERE–2006–STD–0129.

Environmental Policy Act of 1969 (NEPA), Public Law 91–190, codified at 42 U.S.C. 4321 *et seq.* is not required at this time because standards are not being proposed.

E. Review Under Executive Order 13132

Executive Order 13132, "Federalism," 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. As this NOPD determines that amended standards are not likely to be warranted for DHE, there is no impact on the policymaking discretion of the states. Therefore, no action is required by Executive Order 13132.

F. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, "Civil Justice Reform," imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. 61 FR 4729 (Feb. 7, 1996). Regarding the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this proposed determination meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a proposed regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed "significant intergovernmental mandate," and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820. DOE's policy statement is also available at *http://energy.gov/sites/prod/files/gcprod/documents/umra_97.pdf.* This proposed determination contains neither an intergovernmental mandate nor a mandate that may result in the expenditure of $100 million or more in any year, so these UMRA requirements do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed determination would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to Executive Order 12630, "Governmental Actions and Interference with Constitutionally Protected Property Rights," 53 FR 8859 (March 15, 1988), DOE has determined that this proposed determination would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). DOE has reviewed this NOPD under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use," 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OIRA at OMB, a Statement of Energy Effects for any proposed significant energy action. A "significant energy action" is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

Because the NOPD tentatively determines that amended standards for DHE are not warranted, it is not a significant energy action, nor has it been designated as such by the Administrator at OIRA. Accordingly, DOE has not prepared a Statement of Energy Effects.

L. Review Under the Information Quality Bulletin for Peer Review

On December 16, 2004, OMB, in consultation with the Office of Science and Technology Policy (OSTP), issued its Final Information Quality Bulletin for Peer Review (the Bulletin). 70 FR 2664 (Jan. 14, 2005). The Bulletin establishes that certain scientific information shall be peer reviewed by qualified specialists before it is disseminated by the Federal Government, including influential scientific information related to agency regulatory actions. The purpose of the bulletin is to enhance the quality and credibility of the Government's scientific information. Under the Bulletin, the energy conservation standards rulemaking analyses are "influential scientific information," which the Bulletin defines as "scientific information the agency reasonably can determine will have, or does have, a clear and substantial impact on important public policies or private sector decisions." *Id.* at FR 2667.

In response to OMB's Bulletin, DOE conducted formal in-progress peer reviews of the energy conservation standards development process and analyses and has prepared a Peer Review Report pertaining to the energy conservation standards rulemaking analyses. Generation of this report involved a rigorous, formal, and documented evaluation using objective criteria and qualified and independent reviewers to make a judgment as to the technical/scientific/business merit, the actual or anticipated results, and the productivity and management effectiveness of programs and/or projects. The "Energy Conservation Standards Rulemaking Peer Review Report" dated February 2007 has been disseminated and is available at the following Web site: *www1.eere.energy.gov/buildings/appliance_standards/peer_review.html.*

V. Public Participation

A. Public Meeting Requests

Interested parties may submit comments requesting that a public meeting discussing this NOPD be held at DOE Headquarters. DOE will accept such requests no later than the date provided in the **DATES** section at the beginning of this document. As with other comments regarding this determination, interested parties may submit requests using any of the methods described in the **ADDRESSES** section at the beginning of this document.

B. Submission of Comments

DOE will accept comments, data, and information regarding this proposed rule before or after the public meeting, but no later than the date provided in the **DATES** section at the beginning of this proposed rule. Interested parties may submit comments, data, and other information using any of the methods described in the **ADDRESSES** section at the beginning of this document.

Submitting comments via *www.regulations.gov.* The *www.regulations.gov* Web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment itself or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Otherwise, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted through *www.regulations.gov* cannot be claimed as CBI. Comments received through the Web site will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section below.

DOE processes submissions made through *www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery/courier, or mail. Comments and documents submitted via email, hand delivery/courier, or mail also will be posted to *www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via mail or hand delivery/courier, please provide all items on a CD, if feasible, in which case it is not necessary to submit printed copies. No telefacsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, that are written in English, and that are free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: one copy of the document marked "confidential" including all the information believed to be confidential, and one copy of the document marked "non-confidential" with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1)

A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person that would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

C. Issues on Which DOE Seeks Comment

Although DOE welcomes comments on any aspect of this proposal, DOE is particularly interested in receiving comments and views of interested parties concerning the following issues:

1. DOE seeks comment on its assumptions that only minor changes to the DHE market have occurred since the last DOE rulemaking and that overall shipments of DHE have continued to decrease. See section II.
2. DOE seeks comment on its determination that adopting a condensing efficiency level for fan-type wall furnaces would not be economically justified. See section II.
3. DOE seeks data and information pertaining to DHE shipments. See section II.
4. DOE seeks comment on its proposal not to amend energy conservation standards for DHE because more stringent standards would not be economically justified. See section III.
5. DOE seeks comment on its proposal not to amend its standards for DHE to include standby and off mode electrical consumption. See section III.

VI. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this notice of proposed rulemaking.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Small businesses.

Issued in Washington, DC, on March 25, 2016.

David Friedman,

Principal Deputy Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 2016–08121 Filed 4–8–16; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–3929; Directorate Identifier 2015–SW–031–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Airbus Helicopters Model EC130B4, EC130T2, AS350B, AS350B1, AS350B2, AS350B3, AS350BA, AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters. This proposed AD would require inspecting each bi-directional suspension cross-bar (cross-bar) for a crack. This proposed AD is prompted by two reports of cracks in a cross-bar. The proposed actions are intended to detect cracks in a cross-bar and prevent failure of the cross-bar and subsequent loss of control of the helicopter.

DATES: We must receive comments on this proposed AD by June 10, 2016.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the "Mail" address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3929 or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the European Aviation Safety Agency (EASA) AD, the economic evaluation, and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed rule, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Robert Grant, Aviation Safety Engineer, Safety Management Group, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *robert.grant@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

EASA, which is the Technical Agent for the Member States of the European

Union, has issued EASA AD No. 2015–0094, dated May 29, 2015, to correct an unsafe condition for Airbus Helicopters Model AS350B, AS350BA, AS350BB, AS350B1, AS350B2, AS350B3, AS350D, AS355E, AS355F, AS355F1, AS355F2, AS355N, AS355NP, EC130B4, and EC130T2 helicopters. EASA advises that two cases of cracks in a cross-bar were reported on AS350B3 helicopters. The cracks were found at the transmission deck attachment fitting holes during a maintenance check, EASA states. According to EASA, in both cases, the helicopters were equipped with a cargo hook and had completed missions with a significant number of torque cycles. Because of common design features, cracks may also occur on other Model AS350-series, AS355-series, and EC130-series helicopters. EASA advises that crack growth may lead to failure of one of the four yokes and significantly increased stress load on the remaining yokes. This condition, if not detected or corrected, could lead to cracks on the remaining yokes and increased load on the cross-bar, possibly resulting in cross-bar failure and consequently loss of the helicopter. To correct this condition, EASA AD No. 2015–0094 requires repetitive cross-bar inspections and, depending on the findings, replacing the cross-bar.

FAA's Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its technical representative, has notified us of the unsafe condition described in its AD. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other products of the same type design.

Related Service Information

Airbus Helicopters has issued Alert Service Bulletin (ASB) No. EC130–05A021 for Model EC130B4 helicopters; ASB No. EC130–05A022 for Model EC130T2 helicopters; ASB No. AS350–05.00.84 for Model AS350B, AS350B1, AS350B2, AS350B3, AS350BA, AS350BB, AS350D, and military Model AS350L1 helicopters; and ASB No. 355–05.00.73 for Model AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355 NP helicopters (ASBs). All of the ASBs are Revision 0 and dated May 21, 2015. The ASBs specify visually inspecting the cross-bar. If there is any doubt after the visual inspection, the ASBs call for a dye-penetrant inspection to make sure there are no cracks. If a crack is detected, the ASBs call for replacing the cross-bar before further flight and sending the damaged cross-bar to Airbus Helicopters.

Proposed AD Requirements

This proposed AD would require, within certain initial inspection times or the next time any maintenance of the helicopter involves removing the main gearbox, whichever comes first, inspecting each cross-bar for a crack. If there is a crack, this proposed AD would require replacing the cross-bar before further flight. This proposed AD would also require repeating these inspections at the same intervals as the initial inspection. The compliance times in this proposed AD include torque cycles, which are defined for purposes of this AD, as one landing with or without stopping the rotor or one external load-carrying operation. An external load-carrying operation occurs each time a helicopter picks up an external load and drops it off.

Differences Between This Proposed AD and the EASA AD

The EASA AD applies to Airbus Helicopters Model AS350BB helicopters. This proposed AD would not apply to the Model AS350BB because it has no FAA type certificate. However, this proposed AD would apply to Model AS350C and AS350D1 helicopters, while the EASA AD does not. The EASA AD requires a florescent dye-penetrant inspection if the visual inspection of the bi-directional suspension cross-bar causes doubts. This proposed AD would not require a florescent dye-penetrant inspection. The EASA AD requires returning the damaged bi-directional suspension cross-bar to Airbus Helicopters, and this proposed AD would not.

Costs of Compliance

We estimate that this proposed AD would affect 1,132 helicopters of U.S. Registry and that labor costs average $85 a work-hour. Based on these estimates, we expect the following costs:

- Visually inspecting the cross-bar would require 16.5 work-hours for a labor cost of about $1,403. No parts would be needed so that the cost for the U.S. fleet would total $1,588,196 per inspection cycle.
- Replacing the cross-bar would cost $1,630 for parts. No additional labor costs would be needed.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed, I certify this proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared an economic evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

Airbus Helicopters: Docket No. FAA–2015–3929; Directorate Identifier 2015–SW–031–AD.

(a) Applicability

This AD applies to Airbus Helicopters Model EC130B4, EC130T2, AS350B, AS350B1, AS350B2, AS350B3, AS350BA, AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters with a bi-directional suspension cross-bar (cross-bar) part number (P/N) 350A38–1040–20 or P/N 350A38–1040–00 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a crack in a bi-directional cross-bar, which could result in failure of a cross-bar and loss of control of the helicopter.

(c) Comments Due Date

We must receive comments by June 10, 2016

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

(1) Within the initial inspection times shown in Table 1 to paragraph (e) of this AD or the next time maintenance of the helicopter involves removing the main gearbox, whichever comes first; and thereafter at intervals not to exceed the compliance times shown in Table 1 to paragraph (e) of this AD, inspect each cross-bar for a crack. For purposes of this AD, a torque cycle is defined as one landing with or without stopping the rotor or one external load-carrying operation; an external load-carrying operation occurs each time a helicopter picks up an external load and drops it off.

TABLE 1 TO PARAGRAPH (e)

Helicopter model	Initial and recurrent inspection interval
AS350B, AS350BA, AS350B1, AS350B2, AS350C, AS350D, AS350D1	4,500 hours time-in-service (TIS) or 60,000 torque cycles, whichever occurs first.
AS350B3, AS355E, AS355F, AS355F1, AS355F2, AS355N, or AS355 NP.	3,300 hours TIS or 60,000 torque cycles, whichever occurs first.
EC130B4.	
EC130T2	3,300 hours TIS or 40,000 torque cycles, whichever occurs first.

(2) If there is a crack, before further flight, replace the cross-bar.

(f) Special Flight Permit

Special flight permits are prohibited.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Robert Grant, Aviation Safety Engineer, Safety Management Group, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

(1) Airbus Helicopters Alert Service Bulletin No. EC130–05A021, No. EC130–05A022, No. AS350–05.00.84, and No. AS355–05.00.73, all Revision 0 and all dated May 21, 2015, which are not incorporated by reference, contain additional information about the subject of this proposed rule. For service information identified in this proposed rule, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2015–0094, dated May 29, 2015. You may view the EASA AD on the Internet at *http://www.regulations.gov* in the AD Docket.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6300, Main Rotor Drive.

Issued in Fort Worth, Texas, on March 31, 2016.

James A. Grigg,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2016–07986 Filed 4–8–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–5307; Directorate Identifier 2016–NE–08–AD]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all General Electric Company (GE) GE90–76B, GE90–77B, GE90–85B, GE90–90B, and GE90–94B turbofan engines with high-pressure compressor (HPC) stage 8–10 spool, part numbers (P/Ns) 1694M80G04, 1844M90G01, or 1844M90G02, installed. This proposed AD was prompted by reports of cracks found on the seal teeth of the HPC stage 8–10 spool. This proposed AD would require eddy current inspections (ECIs) or fluorescent penetrant inspections (FPIs) of the HPC stage 8–10 spool seal teeth and removing from service those parts that fail inspection. We are proposing this AD to prevent failure of the HPC stage 8–10 spool, uncontained rotor release, damage to the engine, and damage to the airplane.

DATES: We must receive comments on this proposed AD by June 10, 2016.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact General Electric Company, GE-Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215, phone: 513–552–3272; email: *aviation.fleetsupport@ge.com.* You may view this service information at the FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5307; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: John Frost, Aerospace Engineer, Engine Certification Office, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7756; fax: 781–238–7199; email: *john.frost@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this NPRM. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA–2016–5307; Directorate Identifier 2016–NE–08–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this NPRM.

Discussion

We received reports of multiple cracks found on the seal teeth of HPC stage 8–10 spools during shop visits. The cracks initiated because of degraded surface properties caused by an alloy depletion zone (ADZ). The ADZ developed over time due to higher than predicted temperatures and reaction with the seal teeth bond coat. GE is developing a modification to address the unsafe condition. This condition, if not corrected, could result in failure of the HPC stage 8–10 spool, uncontained rotor release, damage to the engine, and damage to the airplane.

Related Service Information

We reviewed GE Service Bulletins SB 72–1141, Revision 0, dated December 2, 2015 and SB 72–1142, Revision 0, dated November 30, 2015. The service information describes procedures for inspecting the HPC stage 8–10 spool seal teeth.

FAA's Determination

We are proposing this NPRM because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This NPRM would require accomplishing an ECI or FPI of the seal teeth of the HPC stage 8–10 spool and removing from service those parts that fail inspection.

Costs of Compliance

We estimate that this proposed AD affects 54 engines installed on airplanes of U.S. registry. We also estimate that it will take about 1 hour per engine to comply with this AD. The average labor rate is $85 per hour. We estimate 14 parts will fail inspection at a pro-rated cost of $400,000 per part. Based on these figures, we estimate the total cost of the AD to U.S. operators to be $5,604,590.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a "significant regulatory action" under Executive Order 12866,

(2) Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

General Electric Company: Docket No. FAA–2016–5307; Directorate Identifier 2016–NE–08–AD.

(a) Comments Due Date

We must receive comments by June 10, 2016

(b) Affected ADs

None.

(c) Applicability

This AD applies to General Electric Company (GE) GE90–76B, GE90–77B, GE90–85B, GE90–90B, and GE90–94B turbofan engines with a high-pressure compressor (HPC) stage 8–10 spool, part numbers (P/Ns) 1694M80G04, 1844M90G01, or 1844M90G02, installed.

(d) Unsafe Condition

This AD was prompted by reports of cracks found on the seal teeth of the

HPC stage 8–10 spool. We are issuing this AD to prevent failure of the HPC stage 8–10 spool, uncontained rotor release, damage to the engine, and damage to the airplane.

(e) Compliance

Comply with this AD within the compliance times specified, unless already done.

(1) Perform an eddy current inspection (ECI) or fluorescent penetrant inspection (FPI) of the seal teeth of the HPC stage 8–10 spool as follows:

(i) For HPC stage 8–10 spools with fewer than 11,000 cycles since new (CSN) on the effective day of this AD, inspect at the next shop visit after reaching 6,000 CSN, not to exceed 12,500 CSN.

(ii) For HPC stage 8–10 spools with 11,000 CSN or more on the effective day of this AD, inspect within the next 1,500 cycles in service.

(iii) Thereafter, inspect the seal teeth of the HPC stage 8–10 spool at each shop visit.

(2) Remove from service any HPC stage 8–10 spool that fails the ECI or FPI required by paragraph (e)(1) of this AD and replace with a part eligible for installation.

(f) Definition

For the purpose of this AD, an engine shop visit is the induction of an engine into the shop for maintenance during which the compressor discharge pressure seal face is exposed.

(g) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request. You may email your request to: *ANE-AD-AMOC@faa.gov.*

(h) Related Information

(1) For more information about this AD, contact John Frost, Aerospace Engineer, Engine Certification Office, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7756; fax: 781–238–7199; email: *john.frost@faa.gov.*

(2) GE Service Bulletins SB 72–1141, Revision 0, dated December 2, 2015 and SB 72–1142, Revision 0, dated November 30, 2015 can be obtained from GE, using the contact information in paragraph (h)(3) of this AD.

(3) For service information identified in this proposed AD, contact General Electric Company, GE-Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215, phone: 513–552–3272; email: *aviation.fleetsupport@ge.com.*

(4) You may view this service information at the FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Issued in Burlington, Massachusetts, on April 5, 2016.

Colleen M. D'Alessandro,

Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2016–08111 Filed 4–8–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–3820; Directorate Identifier 2014–SW–024–AD]

RIN 2120–AA64

Airworthiness Directives; Various Restricted Category Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for various restricted category helicopters. This proposed AD would require cleaning and visually inspecting certain main rotor (M/R) blades and, depending on the outcome of the inspections, repairing or replacing the M/R blades. This proposed AD is prompted by a report of an M/R blade with multiple fatigue cracks around the blade retention bolt hole. The proposed actions are intended to detect a crack in the M/R blade, and prevent failure of the M/R blade and subsequent loss of helicopter control.

DATES: We must receive comments on this proposed AD by June 10, 2016.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the "Mail" address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3820 or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed rule, contact Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, TX 76101; telephone (817) 280–3391; fax (817) 280–6466; or at *http://www.bellcustomer.com/files/.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, Texas 76177.

FOR FURTHER INFORMATION CONTACT: Charles Harrison, Project Manager, Fort Worth Aircraft Certification Office, 10101 Hillwood Pkwy., Fort Worth, Texas 76177; telephone 817–222–5140; email *Charles.C.Harrison@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

We propose to adopt a new AD for Model TH–1F, UH–1B, UH–1F, UH–1H, and UH–1P restricted category helicopters. This proposed AD would require repetitively cleaning and visually inspecting the M/R blades for a crack, corrosion, an edge void, loose or damaged adhesion, and an edge delamination. Depending on the results of the inspections, this proposed AD would require either repairing or replacing the M/R blades.

This proposed AD is prompted by a Bell Helicopter Textron Inc. (BHTI) evaluation of an M/R blade installed on a Model UH–1H helicopter that had multiple fatigue cracks around the blade retention bolt hole. The cracks resulted from a void between the lower grip plate and the grip pad. A "substantial" void also was found at the outboard doubler tip on the lower blade surface. A different part-numbered M/R blade of the same type installed on the Model UH–1H helicopter may also be installed on Model TH–1F, UH–1B, UH–1F, and UH–1P helicopters. The proposed actions are intended to detect a crack in an M/R blade, and prevent failure of the M/R blade, and subsequent loss of helicopter control.

FAA's Determination

We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition exists and is likely to exist or develop on other products of these same type designs.

Related Service Information

Bell Helicopter issued Alert Service Bulletin (ASB) No. UH–1H–13–09, dated January 14, 2013, for the Model UH–1H helicopter. ASB No. UH–1H–13–09 specifies a one-time visual inspection, within 10 hours time-in-service (TIS), of the lower grip pad and upper and lower grip plates for cracks, edge voids, and loose or damaged adhesive squeeze-out. ASB No. UH–1H–13–09 also specifies a repetitive and more detailed visual inspection, daily and at every 150 hours TIS, of the lower grip pad, upper and lower grip plates, and all upper and the lower doublers for cracks, corrosion, edge voids, and loose or damaged adhesive squeeze-out.

Bell Helicopter Textron also issued ASB No. 204–75–1 for Model 204B helicopters and ASB No. 205–75–5 for Model 205A–1 helicopters, both Revision C and both dated April 25, 1979. ASB No. 204–75–1 and ASB No. 205–75–5 call for visually inspecting the M/R blades during each daily inspection and repetitively washing the blades and applying WD–40. ASB No. 204–75–1 and ASB No. 205–75–5 also provide instructions for repetitively inspecting the blades every 1,000 hours of operation or every 12 months, whichever occurs first, or within 150 hours or 30 days, whichever occurs first, if the blades have more than 1,000 hours of operation or have been in service more than 12 months. While ASB No. 204–75–1 and ASB No. 205–75–5 do not apply to the helicopters that are the subject of this proposed AD, they do apply to the affected M/R blades.

Proposed AD Requirements

This proposed AD would require within 25 hours TIS or 2 weeks, whichever occurs first, and thereafter at intervals not to exceed 25 hours TIS or 2 weeks, whichever occurs first, cleaning the upper and lower surfaces of each M/R blade from an area starting at the butt end of the blade to three inches outboard of the doublers. The proposed AD also would require visually inspecting various M/R parts for a crack or corrosion using a 3X or higher power magnifying glass and a light.

If there is a crack, corrosion, an edge void, loose or damaged adhesive squeeze-out, or an edge delamination before further flight, this proposed AD would require repairing the M/R blade or replacing it with an airworthy M/R blade, depending on the condition's severity.

Differences Between This Proposed AD and the Service Information

ASB No. UH–1H–13–09 specifies a one-time inspection and then a second repetitive inspection daily and at every 150 hours TIS, and ASB No. 204–75–1 and ASB 205–75–5 call for visually inspecting the M/R blades daily and every 1,000 hours TIS or 12 months, whichever occurs first. The proposed AD would require all inspections at intervals not to exceed 25 hours TIS or two weeks, whichever occurs first. This proposed AD contains more detailed inspection requirements and a more specific inspection area than the instructions in ASB No. UH–1H–13–09. Lastly, ASB No. UH–1H–13–09 applies to Model UH–1H helicopters with M/R blade P/N 204–011–250–113, ASB No. 204–75–1 applies to Model 204B helicopters with M/R blade P/N 204–011–0250 (all dash numbers), and ASB No. 205–75–5 applies to Model 205A–1 helicopters with M/R blade P/N 204–011–0250 (all dash numbers). This proposed AD would apply to Model TH–1F, UH–1B, UH–1F, UH–1H, and UH–1P helicopters with M/R blade P/N 204–011–250–005 or 204–011–250–113.

Costs of Compliance

We estimate that this proposed AD would affect 607 helicopters of U.S. Registry and that labor costs average $85 a work-hour. Based on these estimates, we expect the following costs:

- Cleaning and performing all inspections of a set of M/R blades (2 per helicopter) would require a total of ½ work-hour. No parts would be needed. At an estimated 24 inspections a year, the cost would be $1,032 per helicopter and $626,424 for the U.S. fleet.
- Replacing an M/R blade would require 12 work hours and parts would cost $90,656, for a total cost of $91,676 per blade.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed, I certify this proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared an economic evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

Various Restricted Category Helicopters: Docket No. FAA–2015–3820; Directorate Identifier 2014–SW–024–AD.

(a) Applicability

This AD applies to Model TH–1F, UH–1B, UH–1F, UH–1H, and UH–1P helicopters with a main rotor (M/R) blade, part number 204–011–250–005 or 204–011–250–113, installed.

(b) Unsafe Condition

This AD defines the unsafe condition as a crack in an M/R blade, which could result in failure of the M/R blade and subsequent loss of helicopter control.

(c) Comments Due Date

We must receive comments by June 10, 2016.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

(1) Within 25 hours time-in-service (TIS) or 2 weeks, whichever occurs first, and thereafter at intervals not to exceed 25 hours TIS or 2 weeks, whichever occurs first, clean the upper and lower exposed surfaces of each M/R blade from an area starting at the butt end of the blade to three inches outboard of the doublers. Using a 3X or higher power magnifying glass and a light, inspect as follows:

(i) Visually inspect the exposed area of the lower grip pad and upper and lower grip plates of each M/R blade for a crack and any corrosion.

(ii) On the upper and lower exposed surfaces of each M/R blade from blade stations 24.5 to 35 for the entire chord width, visually inspect each layered doubler and blade skin for a crack and any corrosion. Pay particular attention for any cracking in a doubler or skin near or at the same blade station as the blade retention bolt hole (blade station 28).

(iii) Visually inspect the exposed areas of each bond line at the edges of the lower grip pad, upper and lower grip plates, and each layered doubler (bond lines) on the upper and lower surfaces of each M/R blade for the entire length and chord width for an edge void, any corrosion, loose or damaged adhesive squeeze-out, and an edge delamination. Pay particular attention to any crack in the paint finish that follows the outline of a grip pad, grip plate, or doubler, and to any loose or damaged adhesive squeeze-out, as these may be the indication of an edge void.

(2) If there is a crack, any corrosion, an edge void, loose or damaged adhesive squeeze-out, or an edge delamination during any inspection in paragraph (e)(1) of this AD, before further flight, do the following:

(i) If there is a crack in a grip pad or any grip plate or doubler, replace the M/R blade with an airworthy M/R blade.

(ii) If there is a crack in the M/R blade skin that is within maximum repair damage limits, repair the M/R blade. If the crack exceeds maximum repair damage limits, replace the M/R blade with an airworthy M/R blade.

(iii) If there is any corrosion within maximum repair damage limits, repair the M/R blade. If the corrosion exceeds maximum repair damage limits, replace the M/R blade with an airworthy M/R blade.

(iv) If there is an edge void in the grip pad or in a grip plate or doubler, determine the length and depth using a feeler gauge. Repair the M/R blade if the edge void is within maximum repair damage limits, or replace the M/R blade with an airworthy M/R blade.

(v) If there is an edge void in a grip plate or doubler near the outboard tip, tap inspect the affected area to determine the size and shape of the void. Repair the M/R blade if the edge void is within maximum repair damage limits, or replace the M/R blade with an airworthy M/R blade.

(vi) If there is any loose or damaged adhesive squeeze-out along any of the bond lines, trim or scrape away the adhesive without damaging the adjacent surfaces or parent material of the M/R blade. Determine if there is an edge void or any corrosion by lightly sanding the trimmed area smooth using 280 or finer grit paper. If there is no edge void or corrosion, refinish the sanded area.

(vii) If there is an edge delamination along any of the bond lines or a crack in the paint finish, determine if there is an edge void or a crack in the grip pad, grip plate, doubler, or skin by removing paint from the affected area by lightly sanding in a span-wise direction using 180–220 grit paper. If there are no edge voids and no cracks, refinish the sanded area.

(viii) If any parent material is removed during any sanding or trimming in paragraphs (e)(2)(vi) or (e)(2)(vii) of this AD, repair the M/R blade if the damage is within maximum repair damage limits, or replace the M/R blade with an airworthy M/R blade.

(f) Special Flight Permit

Special flight permits are prohibited.

(g) Alternative Methods of Compliance (AMOC)

(1) The Manager, Rotorcraft Certification Office, FAA, may approve AMOCs for this AD. Send your proposal to: Charles Harrison, Project Manager, Fort Worth Aircraft Certification Office, 10101 Hillwood Pkwy., Fort Worth, Texas 76177; telephone 817–222–5140; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

Bell Helicopter Alert Service Bulletin (ASB) No. UH–1H–13–09, dated January 14, 2013, and Bell Helicopter Textron ASB No. 204–75–1 and ASB 205–75–5, both Revision C and both dated April 25, 1979, which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, TX 76101; telephone (817) 280–3391; fax (817) 280–6466; or at *http://www.bellcustomer.com/files/.* You may review a copy of information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, Texas 76177.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6210, Main Rotor Blades.

Issued in Fort Worth, Texas, on March 29, 2016.

James A. Grigg,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2016–07985 Filed 4–8–16; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2012–0985; FRL–9944–84–Region 6]

Approval and Promulgation of Air Quality Implementation Plans; Texas; Interstate Transport of Air Pollution for the 2008 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to disapprove the portion of a Texas State

Implementation Plan (SIP) submittal pertaining to interstate transport of air pollution which will significantly contribute to nonattainment or interfere with maintenance of the 2008 ozone National Ambient Air Quality Standards (NAAQS) in other states. Disapproval will establish a 2-year deadline for the EPA to promulgate a Federal Implementation Plan (FIP) for Texas to address the Clean Air Act (CAA) interstate transport requirements pertaining to significant contribution to nonattainment and interference with maintenance of the 2008 ozone NAAQS in other states, unless the EPA approves a SIP that meets these requirements. Disapproval does not start a mandatory sanctions clock for Texas.

DATES: Comments must be received on or before May 11, 2016.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2012–0985, at *http://www.regulations.gov* or via email to *young.carl@epa.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact Carl Young, 214–665–6645, *young.carl@epa.gov.* For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.*, copyrighted material), and some may not be publicly available at either location (*e.g.*, CBI).

FOR FURTHER INFORMATION CONTACT: Carl Young, 214–665–6645, *young.carl@epa.gov.* To inspect the hard copy materials, please schedule an appointment with Mr. Young or Mr. Bill Deese at 214–665–7253.

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us," and "our" means the EPA.

I. Background

On March 12, 2008, the EPA revised the levels of the primary and secondary 8-hour ozone NAAQS from 0.08 parts per million (ppm) to 0.075 ppm (73 FR 16436). The CAA requires states to submit, within three years after promulgation of a new or revised standard, SIPs meeting the applicable "infrastructure" elements of sections 110(a)(1) and (2). One of these applicable infrastructure elements, CAA section 110(a)(2)(D)(i), requires SIPs to contain "good neighbor" provisions to prohibit certain adverse air quality effects on neighboring states due to interstate transport of pollution. There are four sub-elements within CAA section 110(a)(2)(D)(i). This action reviews how the first two sub-elements of the good neighbor provisions, at CAA section 110(a)(2)(D)(i)(I) were addressed in an infrastructure SIP submission from Texas for the 2008 ozone NAAQS. These sub-elements require that each SIP for a new or revised standard contain adequate provisions to prohibit any emissions activity within the state from emitting air pollutants that will "contribute significantly to nonattainment" or "interfere with maintenance" of the applicable air quality standard in any other state.

Ozone is not emitted directly into the air, but is created by chemical reactions between oxides of nitrogen (NO_X) and volatile organic compounds (VOCs) in the presence of sunlight. Emissions from electric utilities and industrial facilities, motor vehicles, gasoline vapors, and chemical solvents are some of the major sources of NO_X and VOCs. Because ground-level ozone formation increases with temperature and sunlight, ozone levels are generally higher during the summer. Increased temperature also increases emissions of VOCs and can indirectly increase NO_X emissions.[1]

The EPA has addressed the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) with respect to ozone in several past regulatory actions. The NO_X SIP Call, promulgated in 1998, addressed the good neighbor provision for the 1979 1-hour ozone NAAQS and the 1997 8-hour ozone NAAQS.[2] The rule required 22 states and the District of Columbia to amend their SIPs and limit NO_X emissions that contribute to ozone nonattainment. The Clean Air Interstate Rule (CAIR), promulgated in 2005, addressed both the 1997 $PM_{2.5}$ and ozone standards under the good neighbor provision and required SIP revisions in 28 states and the District of Columbia to limit NO_X and SO_2 emissions that contribute to nonattainment of those standards.[3] CAIR was remanded to the EPA by the D.C. Circuit in *North Carolina* v. *EPA*, 531 F.3d 896 (D.C. Cir. 2008), *modified on reh'g*, 550 F.3d 1176. In response to the remand of CAIR, the EPA promulgated the Cross State Air Pollution Rule (CSAPR) on July 6, 2011, to address CAA section 110(a)(2)(D)(i)(I) in the eastern[4] portion of the United States.[5] With respect to ozone, CSAPR limited ozone season nitrogen oxide (NO_X) emissions from electric generating units (EGUs). CSAPR addressed interstate transport as to the 1997 8-hour ozone NAAQS, the 1997 annual fine particulate matter ($PM_{2.5}$) NAAQS and the 2006 24-hour $PM_{2.5}$ NAAQS, but did not address the 2008 8-hour ozone standard.

II. Texas SIP Revision Addressing Interstate Transport of Air Pollution for the 2008 Ozone NAAQS

On December 13, 2012, Texas submitted a SIP revision addressing certain CAA infrastructure requirements for the 2008 ozone NAAQS. This action concerns the portion of the December 13, 2012, SIP submittal pertaining to the CAA section 110(a)(2)(D)(i)(I) requirement to address the interstate transport of air pollution which will significantly contribute to nonattainment or interference with maintenance of the 2008 ozone NAAQS in other states. In a separate action, we disapproved the portion of the SIP submittal pertaining to the CAA section 110(a)(2)(D)(i)(II) requirement to address the interstate transport of air pollution which will interfere with other states' programs for visibility protection (81 FR 296, January 5, 2016). We proposed to approve the other portions of the infrastructure SIP submittal on February 8, 2016 (81 FR 6483).

In the portion of its SIP submittal addressing interstate transport, Texas provided an analysis of monitoring data, wind patterns, emissions data and emissions controls. Texas notes that, at the time of the SIP submittal, it had not yet implemented control measures in its two areas designated nonattainment for the 2008 ozone NAAQS because the nonattainment SIP was not due until 2015. Texas cited numerous control measures that were implemented to address prior ozone NAAQS. Texas also includes 1990–2010 design value data for the areas designated nonattainment for the 2008 ozone NAAQS in Texas and in nearby nonattainment areas and notes that design values have generally decreased since 2000. Texas focuses on wind patterns and the distance between in-state ozone nonattainment areas (Dallas-Fort Worth and the Houston-Galveston-Brazoria) and the closest designated nonattainment areas (Baton Rouge, Louisiana, and Memphis, Tennessee) in other states, and monitored data in between these areas. Texas concluded that it is difficult to determine how much ozone at the out-of-state nonattainment areas is due to transport of ozone and how much is due to other sources of ozone precursors.

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[1] 80 FR 75706, 75711.

[2] NO_X SIP Call, 63 FR 57371 (October 27, 1998).

[3] Clean Air Interstate Rule (CAIR), 70 FR 25172 (May 12, 2005).

[4] When we discuss the eastern United States we mean the contiguous U.S. states excluding the 11 western states of Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming.

[5] Cross-State Air Pollution Rule (CSAPR), 76 FR 48208 (August 8, 2011).

Texas's analysis includes 2010 8-hour ozone design values from monitors in states located in the EPA Region 6.[6] Texas summarized NO_X emission trends for Texas EGUs from 1995–2011 and discusses how federal rulemakings, such as CAIR and the CSAPR affected EGU emissions. Lastly, Texas described additional non-EGU control measures and SIPs that reduce NO_X and VOC emissions within the state.

Texas concluded in its analysis that (based on monitoring data) due to (1) decreases in ozone design values, and (2) existing control measures, emissions from sources within the state do not contribute significantly to nonattainment or interfere with maintenance of the 2008 ozone NAAQS in any other state. A copy of the Texas SIP submittal may be accessed online at *http://www.regulations.gov,* Docket No. EPA–R06–OAR–2012–0985.

III. The EPA's Evaluation

As we noted above, the Texas SIP submittal included an analysis of monitoring data, wind patterns, emissions data and emissions controls. The information provided in the Texas analysis is helpful in assessing past air quality and we agree that ozone concentrations have decreased since 2000. However, we disagree with Texas's conclusion concerning interstate transport for the 2008 ozone NAAQS.

Texas limits its discussion of data only to areas designated nonattainment in states that are geographically closest to Texas (Arizona, Arkansas, Colorado, Illinois, Indiana, Louisiana, Mississippi, Missouri, Tennessee, and Wisconsin). This approach is incomplete for two reasons. First, transported emissions may cause an area to measure exceedances of the standard even if that area is not formally designated nonattainment by the EPA. However, Texas only evaluated its potential impact on the nearest designated nonattainment areas in other states without considering potential exceedances in other areas not designated nonattainment. Thus, Texas did not fully evaluate whether emissions from the state significantly contribute to nonattainment in other states.

Second, in remanding CAIR to the EPA in the *North Carolina* decision, the D.C. Circuit explained that the regulating authority must give the "interfere with maintenance" clause of section 110(a)(2)(D)(i)(I) "independent significance" by evaluating the impact of upwind state emissions on downwind areas that, while currently in attainment, are at risk of future nonattainment, considering historic variability.[7] Texas does not give the "interfere with maintenance" clause of section 110(a)(2)(D)(i)(I) independent significance because its analysis did not attempt to evaluate the potential impact of Texas emissions on areas that are currently measuring clean data, but that may have issues maintaining that air quality.

Furthermore, in addition to being incomplete, the EPA has recently shared new technical information with states to facilitate efforts to address interstate transport requirements for the 2008 ozone NAAQS which contradicts the conclusions of the Texas analysis. The EPA developed this technical information following the same approach used to evaluate interstate transport in CSAPR in order to support the recently proposed Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS, 80 FR 75706 (December 3, 2015) ("CSAPR Update Rule"). In CSAPR, we used detailed air quality analyses to determine whether an eastern state's contribution to downwind air quality problems was at or above specific thresholds. If a state's contribution did not exceed the specified air quality screening threshold, the state was not considered "linked" to identified downwind nonattainment and maintenance receptors and was therefore not considered to significantly contribute to nonattainment or interfere with maintenance of the standard in those downwind areas. If a state exceeded that threshold, the state's emissions were further evaluated, taking into account both air quality and cost considerations, to determine what, if any, emissions reductions might be necessary. For the reasons stated below, we believe it is appropriate to use the same approach we used in CSAPR to establish an air quality screening threshold for the evaluation of interstate transport requirements for the 2008 ozone standard.

In CSAPR, we proposed an air quality screening threshold of one percent of the applicable NAAQS and requested comment on whether one percent was appropriate. The EPA evaluated the comments received and ultimately determined that one percent was an appropriately low threshold because there were important, even if relatively small, contributions to identified nonattainment and maintenance receptors from multiple upwind states. In response to commenters who advocated a higher or lower threshold than one percent, we compiled the contribution modeling results for CSAPR to analyze the impact of different possible thresholds for the eastern United States. The EPA's analysis showed that the one percent threshold captures a high percentage of the total pollution transport affecting downwind states, while the use of higher thresholds would exclude increasingly larger percentages of total transport. For example, at a five percent threshold, the majority of interstate pollution transport affecting downwind receptors would be excluded. In addition, the EPA determined that it was important to use a relatively lower one percent threshold because there are adverse health impacts associated with ambient ozone even at low levels. The EPA also determined that a lower threshold such as 0.5 percent would result in relatively modest increases in the overall percentages of fine particulate matter and ozone pollution transport captured relative to the amounts captured at the one-percent level. The EPA determined that a "0.5 percent threshold could lead to emission reduction responsibilities in additional states that individually have a very small impact on those receptors—an indicator that emission controls in those states are likely to have a smaller air quality impact at the downwind receptor. We are not convinced that selecting a threshold below one percent is necessary or desirable."

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[6] These states are Arkansas, Louisiana, Oklahoma, and New Mexico.

[7] 531 F.3d at 910–11 (holding that the EPA must give "independent significance" to each prong of CAA section 110(a)(2)(D)(i)(I)).

In the final CSAPR, we determined that one percent was a reasonable choice considering the combined downwind impact of multiple upwind states in the eastern United States, the health effects of low levels of fine particulate matter and ozone pollution, and the EPA's previous use of a one percent threshold in CAIR. The EPA used a single "bright line" air quality threshold equal to one percent of the 1997 8-hour ozone standard, or 0.08 ppm. The projected contribution from each state was averaged over multiple days with projected high modeled ozone, and then compared to the one percent threshold. We concluded that this approach for setting and applying the air quality threshold for ozone was appropriate because it provided a robust metric, was consistent with the approach for fine particulate matter used in CSAPR, and because it took into account, and would be applicable to, any future ozone standards below 0.08 ppm. The EPA has subsequently proposed to use the same threshold for purposes of evaluating interstate transport with respect to the 2008 ozone standard in the CSAPR Update Rule.

In 2015 we (1) provided notice of data availability (NODA) for the EPA's updated ozone transport modeling for the 2008 ozone NAAQS for public review and comment (80 FR 46271, August 4, 2015), and (2) proposed the CSAPR Update Rule to address interstate transport with respect to the 2008 ozone NAAQS (80 FR 75706, December 3, 2015). The CSAPR Update Rule would further restrict ozone season NO_X emissions from EGUs in 23 states, including Texas, beginning in the 2017 ozone season. Our proposal also addresses a 2015 D.C. Circuit court decision that largely upheld CSAPR, but that, among other things, remanded without vacatur the NO_X ozone-season emission budgets for EGUs in Texas and 10 other states that were established in CSAPR to address the 1997 ozone NAAQS.[8]

The modeling data released in this NODA was also used to support the proposed CSAPR Update Rule. The moderate area attainment date for the 2008 ozone standard is July 11, 2018. In order to demonstrate attainment by this attainment deadline, states will use 2015 through 2017 ambient ozone data. Therefore, the EPA proposed that 2017 is an appropriate future year to model for the purpose of examining interstate transport for the 2008 ozone NAAQS. The EPA used photochemical air quality modeling to project ozone concentrations at air quality monitoring sites to 2017 and estimated state-by-state ozone contributions to those 2017 concentrations. This modeling used the Comprehensive Air Quality Model with Extensions (CAMx version 6.11) to model the 2011 base year, and the 2017 future base case emissions scenarios to identify projected nonattainment and maintenance sites with respect to the 2008 ozone NAAQS in 2017. The EPA used nationwide state-level ozone source apportionment modeling (CAMx Ozone Source Apportionment Technology/Anthropogenic Precursor Culpability Analysis technique) to quantify the contribution of 2017 base case NO_X and VOC emissions from all sources in each state to the 2017 projected receptors. The air quality model runs were performed for a modeling domain that covers the 48 contiguous United States and adjacent portions of Canada and Mexico. The NODA and the supporting technical support documents have been included in the docket for this SIP action.

The modeling data released in the NODA and the CSAPR Update Rule are the most up-to-date information the EPA has developed to inform our analysis of upwind state linkages to downwind air quality problems. As discussed in the CSAPR Update Rule proposal, the air quality modeling (1) identified locations in the U.S. where the EPA expects nonattainment or maintenance problems in 2017 for the 2008 ozone NAAQS (*i.e.,* nonattainment or maintenance receptors), and (2) quantified the projected contributions of emissions from upwind states to downwind ozone concentrations at those receptors in 2017 (80 FR 75706, 75720–30, December 3, 2015). Consistent with CSAPR, the EPA proposed to use a threshold of 1 percent of the 2008 ozone NAAQS (0.75 parts per billion) to identify linkages between upwind states and downwind nonattainment or maintenance receptors. The EPA proposed that eastern states with contributions to a specific receptor that meet or exceed this screening threshold are considered "linked" to that receptor, and were analyzed further to quantify available emissions reductions necessary to address interstate transport to these receptors.

Table 1 is a summary of the air quality modeling results for Texas from Table V.D–1 of the proposed CSAPR Update Rule.[9] As the state's downwind contribution to proposed nonattainment and maintenance receptors exceeded the threshold, the analysis for the proposal concluded that Texas emissions significantly contribute to nonattainment and interfere with maintenance of the 2008 ozone NAAQS in other states. Texas emissions were linked to eastern nonattainment receptors in Sheboygan, Wisconsin, and to maintenance receptors in Maryland, Michigan, New Jersey, New York, Ohio and Pennsylvania (Tables V.D–2 and V.D–3, 80 FR 75706, 75728–30).[10]

TABLE 1—TEXAS' LARGEST CONTRIBUTION TO DOWNWIND NONATTAINMENT AND MAINTENANCE AREAS

[Proposed CSAPR update rule]

2008 Ozone NAAQS	Air quality threshold	Largest downwind contribution to nonattainment	Largest downwind contribution to maintenance	Downwind nonattainment receptors located in states	Downwind maintenance receptors located in states
0.075 ppm (75 parts per billion or ppb)	0.75 ppb	2.44 ppb	2.95 ppb	Wisconsin	Maryland, Michigan, New Jersey, New York, Ohio and Pennsylvania.

Additionally, Texas emissions were also linked to two projected nonattainment receptors in the Denver, Colorado area, with Texas's largest downwind contribution to those nonattainment receptors being 1.58 parts per billion (ppb).[11] Texas has not provided a demonstration that its SIP is adequate to address interstate transport to the Denver, Colorado receptors. The EPA believes contribution from an individual state equal to or above 1 percent of the NAAQS could be considered significant where the collective contribution of emissions from one or more upwind states is responsible for a considerable portion of the downwind air quality problem regardless of where the receptor is geographically located.[12] In this case, Texas has more than a 2% contribution to receptors in Denver, which we consider significant.

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[8] *EME Homer City* v. *EPA*, [795 F.3d 118 (D.C. Circuit 2015)] (July 28, 2015).

[9] 80 FR 75706, 75727–28.

[10] Tables V.D–2 and V.D–3, 80 FR 75706, 75728–30.

[11] *See* document EPA–HQ–OAR–2015–0500–0007 in *http://www.regulations.gov.*

As discussed previously, our modeling and analysis released in our NODA and proposed CSAPR Update Rule is the most up-to-date information for assessing interstate transport of air pollution for the 2008 ozone NAAQS. Analysis of wind patterns, emissions data, and ambient monitoring data as provided in the Texas SIP submittal does not quantify the magnitude of impact from Texas emissions to downwind states. For example, wind patterns can only give an indication of the possibility of transport; emissions data and ambient monitoring data can indicate the potential for air quality problems. The Texas analysis only discusses general ozone season wind patterns as being from the south to the east and the limited potential for transport to Memphis and Baton Rouge. However, the general wind patterns are generally consistent with transport to the impacted receptors in Wisconsin and Colorado, and there are observed winds from the west and northwest that could, on some days, transport pollutants towards other areas, such as Baton Rouge. Downward trends in (1) emissions and (2) observed ozone concentrations can indicate progress towards reducing impact, but do not provide information on the magnitude of the remaining impact or the potential benefit from additional emission reductions. Air quality modeling, however, brings together emissions data, atmospheric chemistry and meteorological information that simulate the transport and fate of pollutants and estimate concentrations of pollutants (including ozone) across the modeling domain. Air quality modeling can also provide estimates of upwind impacts by estimating the contribution of a state's emissions to downwind pollutant concentrations. Our modeling and analysis provided the magnitude of impact and show that Texas emissions significantly contribute to ozone concentrations in areas of nonattainment and interfere with maintenance of the 2008 ozone NAAQS in other states.

Texas provided a great deal of information documenting significant emission reductions that have been made throughout the state and particularly in the eastern half of the state between 1990 and 2010. These include reductions from controls on EGUs in East Texas and controls on a variety of NO_X sources in the 1-hour ozone and 8-hour ozone nonattainment areas of Houston-Galveston-Brazoria, Beaumont-Port Arthur and Dallas-Fort Worth. These controls have resulted in significant reductions in ozone levels in Texas and undoubtedly have reduced the amount of transported pollution to other states. However, these reductions were largely put in place to address the 1-hour ozone NAAQS, and as a result, their compliance dates, and therefore the emission reductions achieved through these measures, predate and were therefore accounted for in the EPA's modeling baseline of 2011 for the 2008 ozone NAAQS. Accordingly, the most recent technical analysis available to the EPA contradicts Texas's conclusion that the state's SIP contains adequate provisions to address interstate transport as to the 2008 ozone standard. Furthermore, Texas did not demonstrate how these rules and data for a less stringent standard provide sufficient controls on emissions to address interstate transport for the 2008 ozone NAAQS. Despite the substantial reductions in Texas, we have subsequently published information and proposed an update to CSAPR that addresses the 2008 ozone NAAQS that includes Texas's cited rules and demonstrates Texas still has an interstate impact on other states.

Among the emissions reductions cited by Texas in its SIP, Texas cites its participation in CAIR as a control measure that results in control of NO_X emissions within the state. Texas notes that under CAIR, Texas EGUs were not included in the ozone season NO_X emissions trading program, but were subject to the annual NO_X emissions trading program. The CAIR ozone season NO_X emissions trading program was intended to address interstate transport of air pollution for the 1997 ozone NAAQS. The CAIR annual NO_X emissions trading program, along with the annual sulfur dioxide (SO_2) trading program, was intended to address interstate transport of air pollution for the 1997 fine particulate matter ($PM_{2.5}$) NAAQS.

Texas also noted that: (1) A 2008 court decision (the *North Carolina* decision) directed the EPA replace CAIR, but kept it in place temporarily; (2) the EPA replaced CAIR with CSAPR; (3) CSAPR included Texas EGU budgets for ozone-season NO_X emissions, annual NO_X emissions and annual SO_2 NO_X emissions to address interstate transport of air pollution for the 1997 ozone NAAQS, the 1997 annual $PM_{2.5}$ NAAQS and the 2006 24-hour $PM_{2.5}$ NAAQS; and (4) in August 2012, the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) issued a decision vacating CSAPR and requiring continued implementation of CAIR until the EPA develops a replacement. Therefore, Texas concluded that CAIR remains a federally enforceable requirement.

Subsequent to Texas's submission of its SIP, On April 29, 2014, the U.S. Supreme Court reversed that D.C. Circuit decision vacating CSAPR and remanded the case to the D.C. Circuit for further proceedings. On October 23, 2014, the D.C. Circuit granted our motion to lift the judicial stay on CSAPR and delay compliance deadlines by three years. Consistent with the Court's order we issued an interim final rule amending CSAPR so that compliance could begin in an orderly manner on January 1, 2015 (79 FR 71663, December 3, 2014), replacing CAIR. On July 28, 2015, the D.C. Circuit issued its decision on the issues raised on remand from the Supreme Court. The court denied all of petitioners' facial challenges to CSAPR, but remanded several emissions budgets to the EPA for reconsideration.[13] A final rule making the revised CSAPR implementation schedule permanent was issued on March 14, 2016.[14]

Accordingly, CAIR implementation ended in 2014 and CSAPR implementation began in 2015. States and the EPA are no longer implementing the CAIR trading programs. Thus, it is no longer appropriate for states to rely on CAIR to satisfy emission reduction obligations. Moreover, as indicated above, Texas's SIP addresses interstate transport obligations for a different and more stringent standard (the 2008 ozone NAAQS) and it is not sufficient to merely cite evidence of compliance with older programs such as CAIR or measures implemented for prior ozone NAAQS as a means for satisfying interstate transport obligations for the 2008 ozone NAAQS.

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[12] 76 FR 48238 (Aug. 8, 2011); 80 FR 75714 (Dec. 3, 2015).

[13] As to Texas in particular, the court remanded without vacatur the state's phase 2 SO_2 annual emissions budget and the phase 2 ozone-season NO_X emissions budget for reconsideration. The court concluded that these budgets resulted in over-control of sources in Texas with respect to the air quality concerns to which Texas was linked in our air quality modeling. As stated above, our CSAPR update proposal for the 2008 ozone NAAQS responds to the court remand of the NO_X ozone-season emission budgets for EGUs in Texas that were established for the 1997 ozone NAAQS.

[14] 81 FR 13275 (March 14, 2016)

The EPA is proposing to disapprove the Texas SIP for CAA section 110(a)(2)(D)(i)(I) requirements. As explained above, the Texas analysis does not adequately demonstrate that the SIP contains provisions prohibiting emissions that will significantly contribute to nonattainment or interfere with maintenance of the 2008 ozone NAAQS. Moreover, the EPA's most recent modeling indicates that emissions from Texas are projected to significantly contribute to downwind nonattainment and maintenance receptors in other states.[15]

IV. Proposed Action

We propose to disapprove the portion of a December 13, 2012 Texas SIP submittal pertaining to CAA section 110(a)(2)(D)(i)(I), the interstate transport of air pollution which will significantly contribute to nonattainment or interfere with maintenance of the 2008 ozone NAAQS in other states. The EPA requests comment on our evaluation of Texas's interstate transport SIP.

Pursuant to CAA section 110(c)(1), disapproval will establish a 2-year deadline for the EPA to promulgate a FIP for Texas to address the requirements of CAA section 110(a)(2)(D)(i) with respect to the 2008 ozone NAAQS unless Texas submits and we approve a SIP that meets these requirements. Disapproval does not start a mandatory sanctions clock for Texas pursuant to CAA section 179 because this action does not pertain to a part D plan for nonattainment areas required under CAA section 110(a)(2)(I) or a SIP call pursuant to CAA section 110(k)(5).

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget for review.

B. Paperwork Reduction Act (PRA)

This proposed action does not impose an information collection burden under the PRA because it does not contain any information collection activities.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action merely proposes to disapprove a SIP submission as not meeting the CAA.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. This action does not apply on any Indian reservation land, any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, or non-reservation areas of Indian country. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of "covered regulatory action" in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it merely proposes to disapprove a SIP submission as not meeting the CAA.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations. This action merely proposes to disapprove a SIP submission as not meeting the CAA.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Nitrogen dioxide, Volatile organic compounds.

Dated: April 4, 2016.

Ron Curry,

Regional Administrator, Region 6.

[FR Doc. 2016–08275 Filed 4–8–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[EPA–HQ–RCRA–2016–0040; FRL9944–67–OLEM]

Hazardous Waste Management System; Tentative Denial of Petition To Revise the RCRA Corrosivity Hazardous Characteristic

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of tentative denial of petition for rulemaking.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is responding to a rulemaking petition ("the petition") requesting revision of the Resource Conservation and Recovery Act (RCRA) corrosivity hazardous waste characteristic regulation. The petition requests that the Agency make two changes to the current corrosivity characteristic regulation: revise the regulatory value for defining waste as corrosive from the current value of pH 12.5, to pH 11.5; and expand the scope of the RCRA corrosivity definition to include nonaqueous wastes in addition to the aqueous wastes currently regulated. After careful consideration, the Agency is tentatively denying the petition, since

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[15] Texas and others interested parties have provided comments on both the NODA and proposed CSAPR Update Rule. See Docket No. EPA–HQ–OAR–2015–0500 at *http://www.regulations.gov*. We will consider these comments in final rulemaking to CSAPR Update Rule. Even absent this data, Texas's SIP failed to adequately address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS.

the materials submitted in support of the petition fail to demonstrate that the requested regulatory revisions are warranted, as further explained in this document. The Agency's review of additional materials it identified as relevant to the petition similarly did not demonstrate that any change to the corrosivity characteristic regulation is warranted at this time.

The Agency is also soliciting public comment on this tentative denial and the questions raised in this action.

DATES: Comments must be received on or before June 10, 2016.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–RCRA–2016–0040, at *http://www.regulations.gov*. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Gregory Helms, Materials Recovery and Waste Management Division, Office of Resource Conservation and Recovery, (5304P), Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: 703–308–8855; email address: *corrosivitypetition@epa.gov*.

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I. Executive Summary

This action responds to a rulemaking petition requesting revision of the Resource Conservation and Recovery Act (RCRA) corrosivity hazardous waste characteristic regulation (*see* 40 CFR 261.22). The petition requests that the Agency make two changes to the current corrosivity characteristic regulation: (1) Revise the regulatory value for defining waste as corrosive from the current value of pH 12.5, to pH 11.5; and (2) expand the scope of the RCRA corrosivity definition to include nonaqueous wastes in addition to the aqueous wastes currently regulated. The petition argues that the regulatory pH value should be revised to pH 11.5 because information supporting this value was, in the petitioners' view, inadequately considered in developing the regulation and because petitioners allege that this value is widely used as a threshold for identifying corrosive materials. The petition further argues that corrosive properties of inhaled dust caused injury to first responders and others at the World Trade Center (WTC) disaster of September 11, 2001, and that such dusts should be regulated as corrosive hazardous waste under RCRA.

After careful consideration, and as described in greater detail below, the Agency is tentatively denying the petition, since the materials submitted in support of the petition fail to demonstrate that the requested regulatory revisions are warranted. Where used in other regulatory frameworks, the pH 11.5 value is either optional or a presumption that may be rebutted by other data, a use very different than the way pH is used in the RCRA corrosivity regulation.

Moreover, the dust to which 9/11 first responders and others were exposed was a complex mixture of pulverized concrete, gypsum, metals, organic and inorganic fibers, volatile organic compounds, and smoke from the fires at the site. No single property of the dust can be reliably identified as the cause of the adverse health effects in those exposed to the WTC dust. In addition, the injuries that were suffered by those exposed to the WTC dust did not appear to include corrosive injuries—*i.e.*, the serious destruction of human skin or other tissues at the point of contact. Persons exposed to simpler dusts of concern to the petition (Cement Kiln Dust and concrete dust) similarly did not appear to experience corrosive injuries. Finally, the petition does not show that waste management activities resulted in the exposures of concern, nor does it identify how the proposed regulatory changes would address these exposures. The Agency's evaluation of additional materials it identified as relevant to the petition similarly did not demonstrate that any change to the corrosivity characteristic regulation is warranted at this time. The Agency is therefore tentatively denying the petition, and is also soliciting public comment on this tentative denial and the questions raised in this action.

II. General Information

A. Does this action apply to me?

The Agency is not proposing any regulatory changes at this time. Persons that may be interested in this tentative denial of the rulemaking petition include any facility that manufactures, uses, or generates as waste, any materials (either aqueous or nonaqueous) with a pH 11.5 or greater, or 2 or lower.

B. What action is EPA taking?

Under Subtitle C of RCRA, the EPA has developed regulations to identify solid wastes that must then be classified as hazardous waste. Corrosivity is one of four characteristics of wastes that may cause them to be classified as RCRA hazardous. The Agency defines which wastes are hazardous because of their corrosive properties at 40 CFR 261.22. On September 8, 2011, the non-governmental organization (NGO) Public Employees for Environmental Responsibility (PEER) and Cate Jenkins, Ph.D.,[1] submitted a rulemaking petition to the EPA seeking changes to the current regulatory definition of corrosive hazardous wastes under RCRA. The petitioners express concerns about potentially dangerous exposures to workers and the general public from dusts that may potentially be corrosive. In particular, the petition is concerned about inhalation exposures, primarily to concrete or cement dust, which may occur in the course of manufacturing or handling of cement, and during building demolitions. To address these concerns, the petition urges the Agency to make two changes to the current regulatory definition of corrosive hazardous waste: (1) Revise the pH regulatory value for defining waste as corrosive from the current value of pH 12.5, to pH 11.5; and (2) expand the scope of the RCRA corrosivity definition to include nonaqueous wastes in addition to the aqueous wastes currently regulated.

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[1] Dr. Jenkins is an EPA employee.

With this action, the Agency is responding to requests in the petition by publishing its evaluation of the petition and supporting materials, and by requesting public comment on the topics raised by the petition. A detailed discussion of the petition and the issues identified by the Agency on which we are soliciting public input are discussed later in this document. The Agency is soliciting information and other input on issues related to the scope of the changes proposed in the petition. This may include information on the adverse health effects, if any, that may be avoided if the Agency were to grant the requested regulatory changes. It may also include information on changes in the universe of waste (including type of waste and volume) that may become regulated as corrosive hazardous waste if the Agency were to make the requested changes, including potentially affected industries and the possible impact of such regulatory changes.

C. What is EPA's authority for taking this action?

The corrosivity hazardous waste characteristic regulation was promulgated under the authority of Sections 1004 and 3001 of the RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. 6903 and 6921. The Agency is responding to this petition for rulemaking pursuant to 42 U.S.C. 6903, 6921 and 6974, and implementing regulations 40 CFR parts 260 and 261.

D. What are the incremental costs and benefits of this action?

As this action proposes no regulatory changes, this action will have neither incremental costs nor benefits.

III. Background

A. Who submitted a petition to the EPA and what do they seek?

On September 8, 2011, petitioners PEER and Cate Jenkins, Ph.D., sent the EPA a rulemaking petition seeking revisions to the RCRA hazardous waste corrosivity characteristic definition (see 40 CFR 261.22). On September 9, 2014, the petitioners filed a petition for Writ of Mandamus, arguing that the Agency had unduly delayed in responding to the 2011 petition, and asking the Court to compel the Agency to respond to the petition within 90 days. The Court granted the parties' joint request for a stay of all proceedings until March 31, 2016.

The petition seeks two specific changes to the 40 CFR 261.22(a) definition of a corrosive hazardous waste:

1. Reduction of the pH regulatory value for alkaline corrosive hazardous wastes from the current standard of pH 12.5 to pH 11.5; and
2. Expansion of the scope of the RCRA hazardous waste corrosivity definition to include nonaqueous wastes, as well as currently regulated aqueous wastes.

The Agency is responding to this RCRA rulemaking petition in accordance with 40 CFR 260.20(c) and (e).

B. What is corrosivity and why are corrosive wastes regulated as hazardous?

The term "corrosivity" describes the strong chemical reaction of a substance (a chemical or waste) when it comes into contact with an object or another material, such that the surface of the object or material is irreversibly damaged by chemical conversion to another material, leaving the surface with areas that appear eaten or worn away. That is, the corrosive substance chemically reacts with the material such that the surface of the contacted material is dissolved or chemically changed to another material at the contact site. Chemical reaction and damage at the contact site may continue as long as some amount of the unreacted corrosive substance remains in contact with the material. In situations in which corrosive substances are being handled by people, key risks of corrosive damage are injury to human tissue, and the potential to damage metal storage containers (primarily steel) that may hold chemicals or wastes. Corrosive substances cause obvious damage to the surface of living human tissue by chemically reacting with it, and in the process, destroying it. The strength of the corrosive material and the duration of exposure largely determine the degree or depth of injury. Corrosive injury is at the extreme end of a continuum of effects of dermal and ocular chemical exposure, and results in serious and permanent damage to skin or eyes.[2] Corrosive injury is distinguished from irritation of the skin or eyes based on the severity and permanence of the injury, with irritation generally being reversible (see Globally Harmonized System for the Classification and Labelling of Chemicals ("GHS" or "GHS guidance") Chapters 3.2 and 3.3; Organization for Economic Cooperation and Development (OECD) Test Methods 404 (rev. 2015) and 405 (rev. 2012); Grant and Kern 1955).

In 1980, EPA identified "corrosivity" as a characteristic of hazardous waste because it determined that improperly managed corrosive wastes pose a substantial present or potential danger to human health and the environment (see Background Document for Corrosivity, May 1980; hereafter referred to as Background Document, 1980). While other international and domestic regulatory programs address corrosivity in other contexts (*e.g.* exposure to non-waste hazardous substances), RCRA is the United States' primary law governing the management of solid and hazardous waste from cradle to grave. Consideration of RCRA's corrosivity characteristic therefore requires consideration of whether a particular threat of harm is one that would be addressed within RCRA's waste management framework.

When in contact with steel, corrosive substances (primarily acids) can react with the iron to change its chemical form and weaken it, potentially leading to a hole in the container and a release of the corrosive substance to the environment. In a waste management setting, extreme pH substances may also mobilize toxic metals, react with other co-disposed wastes (*e.g.*, reaction of acids with cyanides, to form hydrogen cyanide gas), or change the pH of surface water bodies, causing damage to fish or other aquatic populations. However, the Agency focused primarily on the potential for injury to humans when it initially developed the corrosivity regulation:

> "Corrosion involves the destruction of both animate and inanimate surfaces." (Background Document page 3, 1980)
>
> . . .
>
> "Wastes exhibiting very high or low pH levels may cause harm to persons who come

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[2] As with thermal burns, chemical burns may heal over time, but will typically leave scarring, or in more severe cases, may affect the function of the exposed body part. Ocular corrosive injury may lead to blindness or other vision problems.

> in contact with the waste. Acids cause tissue damage by coagulating skin proteins and forming acid albuminates. Strong base or alkalis, on the other hand, exert chemical action by dissolving skin proteins, combining with cutaneous fats, and severely damaging keratin." (Background Document page 5, 1980)
>
> . . .
>
> "The Agency has determined that corrosiveness, the property that makes a substance capable of dissolving material with which it comes in contact, is a hazardous characteristic because improperly managed corrosive wastes pose a substantial present or potential danger to human health and the environment." (Background Document page 1, 1980)

In the previous discussion, the corrosivity regulation background document describes corrosives as having a severe effect on human tissue. Dissolving of skin or other tissue proteins by chemicals, and chemically combining with fats (stored body fat in adipose or other human tissue) are chemical processes which clearly destroy the surface of human tissue and may penetrate beyond surface layers of skin. These adverse effects on skin have also been described by the term "chemical burns" because of their similarity to burns caused by fire or other sources of intense heat.

Highly acidic and alkaline (basic) substances comprise a large part of the universe of corrosive chemicals. The strength of acids and alkalies is measured by the concentration of hydrogen ions, usually in a water solution of the acid or alkali. The hydrogen ion concentration is expressed as "pH", which is a logarithmic scale with values generally ranging from zero to 14. On the pH scale, pH 7 is the mid-point, and represents a neutral solution. That is, it is neither acidic nor basic. Solutions having pH values of less than 7 are acidic while solutions with pH greater than 7 are basic. As pH values move toward the extremes of the scale (*i.e.,* 0 and 14), the solution becomes increasingly acidic or alkaline.

Under current RCRA regulations, aqueous wastes having pH 2 or lower, or 12.5 or higher, are regulated as hazardous waste. Liquid wastes that corrode steel above a certain rate are also classified as corrosive under RCRA. These values were set in consideration of wastes' potential to cause injury to human tissue as well as waste management issues, as discussed in greater detail in section IV below (Background Document, 1980).

Federal regulatory agencies other than the EPA also regulate human exposure to corrosive materials. These include the Occupational Safety and Health Administration (OSHA), the Department of Transportation (DOT), and the Consumer Product Safety Commission (CPSC). Further, international organizations have also made recommendations about controlling human exposure to corrosive chemicals or wastes. These include the United Nations Guidance on the Transport of Dangerous Goods (UNTDG), the GHS, the International Labor Organization (ILO), and the Basel Convention on the Transboundary Movement of Hazardous Waste (Basel, or the Basel Convention).

C. What approaches are used in testing and evaluation of materials for corrosivity?

Before 1944, there was no systematic method for evaluating the dermal toxicity and corrosive or irritating properties of chemicals on human tissue. Advances in chemistry and medicine in the mid-20th century led to development of a broader range of therapeutic, cosmetic, and personal care products (*e.g.,* soaps, shampoo, hair conditioner) and prompted the need to move beyond an anecdotal collection of largely qualitative information on corrosivity to a systematic approach for determining the potential for irritation or corrosivity. Scientists working for the U.S. Food and Drug Administration (FDA) were the first investigators to develop an approach that tried to be objective and quantitative, so that differences in the impact of different chemicals or formulations could be systematically identified (Draize *et al.* 1944, Draize 1959). Their testing approach involved application of chemicals or formulations directly to animal skin or eyes (primarily rabbits), with the results graded by the severity of the adverse effect and the duration of exposure required to produce those adverse effects.[3] The skin and eyes of the test animals were assumed to be similar to that of humans, and results were either used directly to classify chemicals or sometimes, for less irritating materials, were confirmed by testing on human subjects. The pH of chemicals or formulations was also correlated with the occurrence of adverse effects on test animals in much of the basic research that occurred during this time period (Hughes, 1946; Friedenwald et al., 1946; Grant and Kern, 1955; Grant, 1962). Testing for pH is a routine and easily performed test for many materials (although it does require the presence of water or another source of hydrogen ions in the sample). However, pH testing of very high concentration acids or alkalies can be problematic, and high concentrations of sodium ions in solution can cause analytical interferences (Lowry et al., 2008).

The animal testing approach described above evolved to become the standard method for assessing the corrosivity of chemicals to humans (Weltman et al., 1965; Balls et al., 1995; OECD Methods 404 and 405). Variability in test results and some differences in effects on humans were identified as the tests were further developed and refined. Sources of variability included different results when chemicals were applied to different areas of skin, and different reactions of animal eyes as compared with those of humans, among others (Weil and Scala, 1971; Phillips et al., 1972; Vinegar, 1979). One key approach to facilitating greater reproducibility (precision) in testing was a standardized grading scheme published by the FDA (Marzulli, 1965). A version of this testing approach has also been adopted as guidance by the OECD to provide an international approach to chemical classification, with the goal of facilitating international commerce (see OECD Methods 404[4] and 405). Over the intervening time, significant amounts of animal test data have been collected and used for classifying chemicals or formulations as corrosive.

However, concern about testing for corrosivity on live animals has been expressed within the scientific community (Balls et al., 1995) and by non-government animal welfare advocacy organizations (Animal Justice, "Medical Testing on Animals: A Brief History" retrieved from *http://www.animaljustice.ca/blog/medical-testing-animals-brief-history/*). The result of this concern has been the development of alternative, *in vitro* testing approaches,[5] intended to reduce reliance on *in vivo* animal testing. Among the first such tests was a commercially developed test named the "Corrositex®" test in 1993 (InVitro International, "What is Corrositex?" 2007, retrieved from *http://www.invitrointl.com/products/*

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[3] Testing on live animals is described as *in vivo* testing.

[4] OECD Methods 404 and 405 continue to rely on live animal testing as the definitive test method for assessing corrosivity and irritation potential of chemicals and formulations. The current version of Method 404 (2015) and Method 405 (2012) allow for use of other tests in a weight-of-evidence approach. However, if results are inconclusive, live animal testing is used as a last resort. Dermal corrosion is defined as ". . . visible necrosis through the epidermis and into the dermis. . .". For corrosivity to the eye, "A substance that causes irreversible tissue damage to the eye . . ."

[5] *In vitro,* literally translated means "in glass". In this context it means testing in a laboratory vessel, rather than using a live animal.

corrosit.htm). In this test, a "bio-barrier" material is placed in a tube such that it blocks the tube, which contains an indicator solution. The test material is placed on the collagen plug, and breakthrough to the indicator solution is timed.[6] Other somewhat similar testing approaches have also been developed, which use cultured human skin cells or skin from a laboratory animal that has been euthanized. Extensive work to validate these new testing approaches against the existing data has been done (Barratt et al., 1998; Kolle *et al.*, 2012; Deshmukh *et al.*, 2012; Vindarnell and Mitjans, 2008), and several are now considered validated to some degree (see OECD Tests 430, 431, 435, 437, 438). A number of studies applying chemical quantitative structure/activity relationships (QSAR) to assessing chemical corrosivity have also been published (Hulzebos, *et al.*, 2003; Verma and Matthews, 2015a; Verma and Matthews, 2015b). However, these new tests are not yet fully integrated into the evaluation and classification guidance and regulations used in the U.S. and internationally, and most guidance and regulations rely first on existing animal and human data. The new testing approaches and QSAR analysis are primarily used as alternatives to reduce to a minimum the use of live animal testing on new, untested chemicals or formulations.

IV. Review and Evaluation of the Petition and Relevant Information

A. Review of Requested Regulatory Revisions and Supporting Information

This action is based on the petition and its supporting materials,[7] the Agency's review and evaluation of this information, information submitted by other stakeholders, and relevant information compiled by the Agency. All materials and information that form the basis for this decision are available in the public docket supporting this action.

The petition presents a number of arguments and information supporting the requested revisions to the RCRA corrosivity regulation. The petition's arguments and supporting information are summarized and discussed below.

The petition seeks two specific changes to the 40 CFR 261.22(a) definition of a corrosive hazardous waste:

1. Reduction of the pH regulatory value for alkaline corrosive hazardous wastes from the current standard of pH 12.5 to pH 11.5; and

2. Expansion of the scope of the RCRA hazardous waste corrosivity definition to include nonaqueous wastes, as well as currently regulated aqueous wastes.

In evaluating the petition, the Agency considered whether these specific changes are warranted based on the evidence in the petition and additional, relevant information compiled by the Agency.[8]

1. Request To Lower RCRA's Corrosivity Characteristic pH Threshold to 11.5

The current RCRA corrosivity regulation classifies aqueous waste having pH 12.5 or higher as corrosive hazardous waste (40 CFR 261.22(a)(1)). The petition seeks revision of the pH regulatory value for alkaline corrosive hazardous wastes from the current standard of pH 12.5 to pH 11.5.[9]

In urging the Agency to make this regulatory change, the petition argues that a pH value of 11.5 is widely used in other U.S. regulatory programs and guidances, as well as in global guidance. The petition also argues that in promulgating the final regulation in 1980, the EPA did not give appropriate weight to guidance by the ILO on corrosivity that the petition considers definitive for identifying corrosive materials; and therefore expresses the belief that the current standard is not adequately protective of human health and the environment.[10]

a. History of RCRA's Corrosivity Regulation

The corrosivity regulation was promulgated on May 19, 1980 as part of a broad hazardous waste regulatory program that was finalized that day (45 FR 33084, 33109, and 33122). As no timely challenges to the final corrosivity regulation were filed in the appropriate court pursuant to 42 U.S.C. 6976(a), the rule, including the regulatory thresholds used to define solid waste as exhibiting the hazardous characteristic of corrosivity, has been in effect since 1980.

The record supporting the May 19, 1980 rulemaking for the corrosivity hazardous characteristic includes three **Federal Register** actions (an Advanced Notice of Proposed Rulemaking (ANPRM), a Proposed Rule and a Final Rule), draft and final technical background documents, and comments from and Agency responses to a range of stakeholders. Review of these materials identifies the Agency's proposed and final approaches to this regulation, as well as public views on the proposed regulation.

In the 1977 ANPRM, the Agency discussed waste corrosivity only with regard to the potential for waste to damage storage containers, which could result in waste release to the environment. The Agency solicited public comments on this approach to regulation of corrosive wastes (42 FR 22332, May 2, 1977).

Following publication of the ANPRM, the Agency released several draft versions of the regulations under development, including the corrosivity regulation. Draft documents dated September 14, 1977, November 17, 1977, and September 12, 1978 can be found in the rulemaking docket for the 1980 regulation, as well as several comments on these drafts. The September 1977 draft included a preliminary corrosivity definition based on pH values outside the range of pH 2–12, applied to liquid waste or a saturated solution of non-fluid waste. The November 1977 draft would have defined as hazardous those wastes having a pH outside the range of pH 3–12, and would have potentially applied to aqueous wastes and nonaqueous wastes when the latter was mixed with an equal weight of water. In a September 1978 draft, corrosive wastes would have been defined as aqueous wastes having a pH outside the range of pH 3–12.

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[6] The Agency has added this test to its analytical chemistry technical guidance for evaluating waste, as Method 1120. While at one time the Agency considered revising the corrosivity regulation to rely on this test, no regulatory proposal was ever published.

[7] In reviewing the petition the Agency identified a number of statements and/or assertions that are factually incorrect or inaccurate or are otherwise misstatements. The Agency has not responded to all such statements, but rather has limited its responses to those related to the substantive discussion of the petition's requests and supporting arguments in the petition. The petition also alleges certain instances of fraud; while the Agency denies all such allegations, the Agency is not addressing those allegations in this document because they are not relevant to considerations about whether a regulatory change to the current RCRA corrosivity characteristic is warranted.

[8] While the petition requests the inclusion of nonaqueous wastes in the corrosivity characteristic regulation, the petition does not provide any information regarding nonaqueous acidic wastes having pH 2 or lower. The petition appears to only be alleging harm from nonaqueous wastes in the upper pH, alkaline range. As such, the Agency has similarly focused its analysis. To the extent that petitioners allege the need to include nonaqueous acidic wastes having pH 2 or lower as part of the RCRA corrosivity characteristic regulation, additional information should be submitted in the comment period for the Agency's evaluation.

[9] The corrosivity characteristic potentially applies to any aqueous RCRA solid waste, unless exempted from hazardous waste regulation. In 2011, more than 8 million tons of waste were regulated as corrosive hazardous waste (see RCRA Biennial Report for 2011, Exhibit 1.8).

[10] Petitioners allege that EPA misrepresented the pH levels cited in a 1972 ILO encyclopedia. As mentioned above at footnote 7, the Agency denies all such allegations. However, the Agency is not addressing those allegations in this document because they are not relevant to considerations about whether a regulatory change to the current RCRA corrosivity characteristic is currently warranted. While the petitioners place great weight on the mention of a pH of 11.5 in the 1972 ILO encyclopedia, that encyclopedia was one among multiple factors considered in developing the regulation and it is in no way binding on the Agency. No challenge to the 1980 regulation was filed, and the statute of limitations to challenge that 1980 regulation has long since passed.

In the 1978 proposed regulations, the Agency proposed to identify corrosive hazardous waste based on the pH of aqueous solutions, and an evaluation of the rate at which a liquid waste would corrode steel. Waste aqueous solutions having a pH less than or equal to pH 3, or greater than or equal to pH 12 were proposed to be classified as RCRA corrosive hazardous waste (43 FR 58956, December 18, 1978). Concerns identified by the Agency in the proposal included the ability of corrosives to mobilize toxic metals, corrode waste storage containers, corrode skin and eyes, and cause damage to aquatic life (by changing the pH of waterbodies). The background support document for the proposal elaborated on EPA's concerns about corrosion to skin, noting that the regulation was intended to include as corrosive those waste ". . . substances that cause visible destruction or irreversible alteration in human skin tissue at the site of contact." (Draft Background Document on Corrosiveness page 5, December 15th, 1978; hereafter referred to as "Draft Background Document, 1978"). The pH of wastes was used as the basis of the regulation because it could be used to evaluate both skin damage and toxic metal mobility (see Draft Background Document pages 13 and 14, 1978). The Agency also expressed some concern about solid corrosives, and requested that the public provide information on the potential hazards of solids that may be corrosive.

The Agency received many comments on the regulatory proposals made that day, as significant parts of the RCRA program were proposed. The comments received addressed a number of topics raised by the proposal, including the proposed corrosivity regulation.

The majority of public comments urged expanding the range of pH values that would not be classified as corrosive. For example, some commenters urged the Agency to raise the alkaline range pH regulatory value to either pH 12.5 or 13, in part, because they believed the proposed pH value would have resulted in lime-stabilized wastes, which when treated were otherwise non-hazardous, being classified as hazardous because of their pH. These commenters also believed treatment to de-characterize these wastes (*i.e.,* make them less corrosive) would potentially allow the mobilization of toxic metals that were stable in the waste at the higher pH. The Agency generally agreed with these concerns and set a final alkaline range pH value of 12.5 and above for defining corrosive hazardous waste.[11] The petition reflects concern about this as part of the basis for the pH regulatory value, and argues that it is no longer necessary or a valid basis for the regulation because of other changes in the regulations of wastewater treatment sludges in particular. However, there is no documentation in the petition supporting these assertions. High alkalinity materials continue to be used as an important option in the treatment of metal-bearing wastes to reduce metal mobility (*see* LDR Treatment Technology BDAT Background Document pages 101–109, January 1991; Chen et al., 2009; Malvia and Chaudhary, 2006).

b. Other Corrosivity Standards

Among the arguments made by the petition is the assertion that a pH value of 11.5 is widely used in other U.S. regulatory programs and guidances, as well as in global guidance.[12] This assertion, however, is largely inaccurate and fails to support a regulatory change for several reasons. As discussed in more detail below, the classification of materials as corrosive and use of pH 11.5 in this process is far more complicated than portrayed by the petition. Moreover, even where pH 11.5 is incorporated as a presumptive benchmark in other regulatory programs or guidance (for example, pH 11.5 is identified by the 1972 ILO Encyclopedia of Occupational Safety and Health ("1972 ILO Encyclopedia")), that fact alone is insufficient to demonstrate that the same benchmark is appropriate for regulation of hazardous waste under RCRA. While it is useful to consider information on how corrosivity is measured and regulated by other organizations, EPA is not bound under RCRA to rely on voluntary standards or the decisions of other regulatory agencies, or even regulations or guidance developed by EPA under other statutory authorities.

The corrosive potential of materials is addressed by a number of national and international organizations. Among the organizations that address corrosivity, the following rely on information from human exposure, animal tests, or other tests (as discussed previously) as the primary determinative factor in classifying a material as corrosive, rather than relying on pH: The UNTDG, the GHS, the DOT, the OSHA, the U.S. National Institute for Occupational Safety and Health (NIOSH), the CPSC and U.S. EPA regulations of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).[13] [14]

The UNTDG guidelines include criteria for classifying materials as corrosive, and reference the OECD test methods for applying the UNTDG corrosivity criteria. Classification as corrosive under the UNTDG guidelines is based on full thickness destruction of intact skin. (UNTDG Model regulations Chapter 2.8, Rev. 18, 2013, and UNTDG test methods Section 37, Rev. 5 2009).

In 2003, the UN published its GHS guidance, which addresses corrosivity, among other chemical hazards. The 2013 version of GHS (Rev. 5, 2013) addresses chemical corrosivity to skin and eyes in separate sections of the guidance. For classification as corrosive to skin (GHS Chapter 3.2), a material must result in skin tissue destruction. The GHS tiered evaluation approach (Figure 3.2.1) relies primarily on available human data (case studies) for making a corrosivity determination, then animal data, and references the use of material pH in the third tier of the evaluation.

The UN expert groups responsible for developing the UNTDG and GHS guidances have been working for a number of years (since at least 2010) to harmonize the corrosivity definitions of the two guidance documents. As of April 2015, there was no consensus on how to define corrosivity, and work of the two groups is ongoing (*see:* UN working document ST/SG/AC.10/C.3/2015/21 and ST/SG/AC.10/C.4?2015/2, April 2015, retrieved from: *http://www.unece.org/fileadmin/DAM/trans/doc/2015/dgac10c3/ST-SG-AC.10-C.3-2015-21e-ST-SG-AC.10-C.4-2015-2e.pdf*).

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[11] The pH of wastes is determined using EPA Method 9040.

[12] Use of a pH value of 11.5 was apparently suggested by Hughes (1946) and Grant (1962) based on empirical observations of the effects of sodium hydroxide solutions on the eyes of test animals. It is not clear whether the 11.5 value was systematically assessed to determine its applicability to other alkaline solutions or to dermal exposures.

[13] These organizations rely primarily on human experience (reported case studies) and the results of animal testing, including test results that may be reported in scientific publications or from other sources. Recently developed *in-vitro* tests are beginning to replace animal testing.

[14] The FDA does not directly regulate cosmetics and related products based on their corrosive potential. FDA does require that the safety of cosmetic products be adequately substantiated before they are sold, unless they bear a warning label noting that the safety of the product has not been determined (*see* 21 CFR 740.10) While the original protocol for testing on animals resulted from its needs, and was developed by FDA scientists (Draize et al., 1944, 1959), the FDA does not specify required testing for cosmetics.

Current ILO guidance in the ILO Encyclopedia of Occupational Safety and Health urges reliance on international agreements, and the UNTDG guidance in particular for chemicals and the Basel Convention for waste (*see* ILO Encyclopedia, freely available at *http://www.ilo.org/safework/info/publications/WCMS_113329/lang-en/index.htm*). As discussed previously, the UNTDG guidance does not refer to either pH in general or to a particular pH range.

Finally, the Basel Convention also has a physical and chemical hazard classification system for waste that addresses corrosivity and which is described in several Annexes to the Convention. The Basel Convention does not rely on the 11.5 pH value in defining corrosive waste as a general matter in Annex III, but does rely on it as a rebuttable presumptive value for corrosive solutions in the Annex IX (non-hazardous) waste listings. Under the Basel Convention, listed hazardous waste can be delisted by showing that it exhibits no Annex III characteristics.

Unlike many of the other regulatory frameworks that the petitioners cite, the Basel Convention classification system, like RCRA, applies specifically to hazardous waste management. However, the Basel Convention and its hazardous waste classification system take into account the limited capabilities of the developing countries to manage hazardous waste and other waste (*see* Preamble to the Basel Convention). The Basel Convention takes a precautionary approach, broadly characterizing materials as hazardous out of an abundance of caution. The U.S., on the other hand, has substantial capacity for proper management of both hazardous and non-hazardous wastes, and therefore current RCRA regulations do not incorporate the level of precaution that the Basel Convention does in classifying waste as hazardous under RCRA.[15]

Additionally, the EPA considers degrees of risk in classifying waste as hazardous, taking into account the comprehensive nature of the U.S. waste management system. The United States has extensive regulatory and physical capacity for environmentally sound waste management, including capacity for management of both hazardous and non-hazardous waste. Many forms of mismanagement that may occur in developing nations are already illegal in the U.S., and so any such mismanagement would not be considered a basis for revising or developing new hazardous waste regulations (that is, types of waste mismanagement that are already illegal under RCRA would be addressed as enforcement/compliance issues, rather than as the basis for new regulations). Further, the structure of the Basel hazardous waste classification system is different from that of RCRA. While the presumption of corrosiveness at pH 11.5 under Basel is rebuttable using the Annex III criteria, the RCRA corrosivity definition is a hard value, and there is no opportunity in the RCRA regulations to show that a waste is non-corrosive despite its exceedance of the regulatory criteria. Seen in this light, the degree of precaution incorporated in Basel's use of pH 11.5 may not be warranted in U.S. waste regulations.

In the U.S., the DOT hazardous materials regulatory definition of "corrosive material" is a narrative that does not reference the pH of materials. Rather, corrosive material is defined as ". . . a liquid or solid that causes full thickness destruction of human skin at the site of contact within a specified period of time" (*see* 49 CFR 173.136(a)). DOT referenced the 1992 OECD testing guideline #404, among other international guidances, when it updated its regulations to harmonize with the UNTGD Guidance (59 FR 67390, 67400 and 67508, December 29, 1994). The OECD Testing Guideline #404 is based on results of live animal testing or other direct experience with the chemical, although testing on live animals is being phased out where possible.

OSHA identifies the hazards of chemicals to which workers may be exposed, including corrosivity hazards. OSHA recently harmonized its Hazard Communication Standard (HCS) with the GHS classification criteria, including a modified version of the GHS criteria for corrosivity (GHS Revision 3, 2009; *see:* 77 FR 17574, 17710, and 17796 March 26, 2012). The CPSC implements the Federal Hazardous Substances Act (FHSA), and includes corrosives as hazardous substances in its implementing regulations. Under FHSA regulations, "*Corrosive* means any substance which in contact with living tissue will cause destruction of tissue by chemical action . . ." 16 CFR 1500.3(b)(7). This definition is further elaborated at 16 CFR 1500.3(c)(3), where a corrosive substance is one that, ". . . causes visible destruction or irreversible alterations in the tissue at the site of contact."

The petitioners also argue that EPA pesticides regulations rely on a pH value of 11.5 to define corrosivity. However, that characterization misunderstands the regulatory framework for product pesticides. EPA regulation of pesticides under the FIFRA require evaluation of the potential for chemicals to cause primary eye or dermal irritation as part of the required toxicology evaluation (*see* 40 CFR 158.500). Test guidelines (EPA 1998a, b) describe live animal testing as the basis for dermal or ocular irritation, although pre-test considerations note that substances known (based on existing data) to be corrosive or severely irritating, or that have been assessed in validated *in vitro* tests, or have a pH of 11.5 or greater (with buffering capacity accounted for) may be considered irritants and need not be tested in live animals, if the applicant so chooses. As noted in the preamble to the relevant rule, the Agency considered the importance of minimizing animal testing, and stated that it would consider data from validated *in vitro* tests as a way to reduce animal testing requirements (*see* 72 FR 60934, October 26, 2007). Because pH 11.5 may be used as an optional presumption for toxicity categorization, the regulatory framework contemplates that chemicals having pH 11.5 may *not be* corrosive, and it allows the applicant to submit live animal testing data demonstrating that a particular pesticide is not a dermal or ocular irritant.

While the pH of a material can play some role in corrosivity determinations in these other regulatory frameworks, pH 11.5 is not the primary means of identifying corrosive materials except in the Basel Convention. In FIFRA, it may be used as part of the basis for precautionary labeling of pesticides, if the registrant elects to rely on it. It is a third-tier criteria in the GHS system, but is not referenced by the regulations of DOT or by the UNTDG guidance. Further, the experts of GHS and UNTDG are continuing work to harmonize model regulations for corrosive materials, illustrating the fact that corrosivity assessment methods and criteria are not well settled matters.

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[15] A significant purpose of the Basel Convention is to control the export of hazardous waste from developed to developing countries, because many developing countries do not have the capacity to safely manage either hazardous or non-hazardous waste. Most Basel hazardous waste listings do not include concentration values for hazardous constituents below which the waste would be considered non-hazardous, because many developing nations do not have adequate capacity to safely manage even non-hazardous waste. Basel listings are written so wastes posing any degree of hazard may be subject to the Basel notice and consent provisions, thereby enabling developing countries to refuse waste shipments they are unable to safely manage.

In fact, historically, *in vivo* animal test data has been the primary basis for classification, and because of increasing animal welfare concerns with live animal testing, development of new methods for evaluating the corrosivity of materials has been an active research area, involving the development of new *in vitro* tests and structure-activity relationship models. Alternative test development has been driven largely by the desire to reduce the use of live animals, in particular, for making corrosivity determinations for chemicals. These alternatives to animal testing have been validated in some cases (Barratt *et al.*, 1998; Kolle *et al.*, 2012), and incorporated into the corrosivity evaluations of the OECD testing framework (*see* OECD tests 430, 431, 435, 437, and 438, in particular). A number of studies attempting to correlate chemical structure with corrosive potential, or QSAR evaluations have also been published in recent years. These have focused primarily on the corrosivity potential of organic chemicals, and attempt to address both corrosivity and irritation potential. (Hulezebos *et al.*, 2005)

In addition, the pH 11.5 value in these other frameworks is used only as an optional approach or a rebuttable presumption of corrosiveness. That is, chemical manufacturers or waste generators have in all cases the opportunity to conduct additional testing if they believe their product or waste is not corrosive despite exhibiting pH 11.5 or higher.[16] However, as used in the RCRA corrosivity regulation, the pH of an aqueous waste determines whether that waste is a corrosive hazardous waste as a legal matter, and there is no opportunity to rebut this classification for an aqueous waste that exhibits pH 12.5 or higher. Thus, lowering the pH in RCRA has far-reaching implications that are not present in other regulatory systems.

Moreover, many of the standards discussed above are concerned with product chemicals and formulations, not waste. As products are manufactured to a certain specification, they can be evaluated for safety once, and typically that evaluation can be relied on going forward (unless the formulation changes or there is some indication the initial evaluation was flawed). However, waste is not manufactured to a specification, but rather may vary from batch-to-batch, sometimes widely. Therefore, the more careful, thorough evaluation, as described in OECD Method 404, for example, is not practical for use on each separate batch of waste generated. The simpler approach of relying on pH value was therefore used by the EPA in developing the corrosivity regulation, as pH is a useful indicator of hazard potential, and testing for pH is reasonable to perform for many wastes.

Finally, the petitioners argue that the RCRA corrosivity characteristic regulation should be changed because other regulatory frameworks rely on it (see petition at 12 (discussing DOT and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) regulations' cross references to RCRA)). However, to the extent that petitioners are concerned about shortcomings in DOT or CERCLA regulations, the appropriate avenue for changes in those frameworks is to seek changes directly to those frameworks. The RCRA regulatory framework is focused on management of hazardous waste, and should not be amended solely on the basis of perceived shortcomings in other regulatory frameworks.

In sum, while other regulatory frameworks may use pH 11.5 as part of their corrosivity determinations, the use of pH 11.5 in these frameworks is fundamentally different from the use of pH in the RCRA corrosivity characteristic regulation, and such use, therefore, should not set a precedent for RCRA regulation.

2. Request To Include Nonaqueous Corrosive Materials Within the Scope of RCRA's Corrosivity Characteristic

a. Exposure to World Trade Center 9/11 Dust

In seeking to expand the scope of the corrosivity characteristic to include nonaqueous wastes in addition to revising the regulatory value to pH 11.5, the petition argues that injury to 9/11 first responders, other workers, and potentially members of the public, was caused by corrosive properties of airborne cement dust present in the air as a result of the buildings' collapse. Further, the petition argues that regulation of these airborne dusts as RCRA hazardous wastes would have prompted wide-spread respirator use and prevented first responder lung injury, and can prevent such injury to demolition workers and the general public present at future building demolitions.

However, after a thorough review of the information currently before the Agency,[17] the Agency has tentatively concluded that petitioners' arguments to include nonaqueous wastes within the scope of the corrosivity characteristic are not supported by the events of the World Trade Center (WTC) for at least three reasons: (1) It is not possible to establish a causal connection between the potential corrosive properties of the dust and the resultant injuries to those exposed; (2) the injuries documented at the WTC in connection with potentially harmful dust are not consistent with injuries caused by *corrosive* material; and (3) nothing submitted by petitioners demonstrates that injury to human health or the environment was related to improper treatment, storage, transport, or disposal of solid waste (*i.e.* the petition does not demonstrate how RCRA would or could address the potential exposures alleged to be hazardous). The Agency is seeking comment on these tentative conclusions.

While there is a substantial body of research and broad consensus that exposure to the 9/11 atmosphere for the first hours after the collapse of the towers, and for some time thereafter, caused adverse health effects in first responders and others, this atmosphere was a complex combination of dust, fibers, smoke, and gases. As reported by the New York Fire Department Bureau of Health Services (FDNY 2007; p. 24), "[w]hen the towers collapsed, an enormous dust cloud with a high concentration of particulate matter consumed lower Manhattan." Analysis of the settled dust from samples collected in the days following September 11 shows that it consisted of a number of materials, including concrete dust, toxic metals, silica, asbestos, wood fiber, fiberglass, and smoke particulates from the fires (EPA

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[16] A number of researchers have identified solutions exhibiting pH values higher than pH 11.5 that are nonetheless not classified as corrosive. Murphy, et al., (1982) found that none of the test rabbits exposed to 0.1% and 0.3% NaOH solution (pH 12.3 and pH 12.8 respectively) developed corneal opacity (*i.e.*, 0/6) even when the eyes were not washed after exposure. Young et al. (1988) identified a 1% KOH solution, with pH 13.3 as an irritant but not corrosive. The following solutions were also classified either as irritants or as not dangerous: 1% NaOH, with pH 13.4; 10% NH_3, with pH 12.2; Na_2CO_3, with pH 11.6; and Na_3PO_4, with pH 12.3. Similarly, Oliver, et al., (1988) and Barratt et al. (1998) identified several materials exhibiting pH values higher than pH 11.5 that were nonetheless not classified as corrosive.

[17] While the Agency has reviewed numerous studies, and we believe we have considered key studies, the body of literature published on the events of 9/11/01 is voluminous. As part of soliciting public comments the Agency is interested in any additional key studies that should be considered as relevant to the issues considered in this document.

2002, Chen and Thurston, 2002; Landrigan et al., 2004; Lorber et al., 2007; Lioy et al., 2002; Lioy et al., 2006).

Further, while initial exposures are known to be very high for those near the towers when they collapsed, the distribution of exposures is not well documented nor quantitated (Lioy et al., 2006; Lorber et al., 2007). Because of the complex nature of the ambient atmosphere on 9/11, and lack of exposure data (although exposures were clearly very significant for many people), it is not possible to establish a causal connection between the potential corrosive properties of the dust and the resultant injuries to those exposed, to the exclusion of other co-occurring exposures. These co-occurring exposures include glass fiber, silica, cellulose, metals, wood fiber and fiberglass, a number of minerals (calcite, gypsum, quartz) and a wide range of organic polyaromatic hydrocarbons (PAHs) and dioxin (see docket for OSHA Sampling Results Summary; Lippy, 2001 (NIEHS); EPA, 2002; Lioy, 2002; Chen & Thurston, 2002).

Other factors also argue against the use of the 9/11 disaster as an event that would support changing the RCRA corrosivity regulation. Most, but not all, outdoor dust samples tested for pH were below pH 11, and so would not be classified as corrosive hazardous waste under the regulatory changes proposed by the petition. These include data in studies by EPA, 2002; USGS, 2001; ATSDR, 2002; McGee et al., 2003; and Lorber et al., 2007. Some indoor dust samples had pH values as high as pH 11.8 (USGS, 2001). While the petition discounts these data as not representing actual exposures to the 9/11 airborne dust, and expresses concern that the samples were evaluated using several different protocols,[18] they are nonetheless the only pH data known to the Agency.

The pH values found for the WTC dust are generally consistent with pH testing of waste concrete fine aggregates being recycled, for which pH values are often less than pH 11.5 (Poon, 2006). This is supported by information from Material Safety Data Sheets (MSDS) for crushed concrete aggregate, which reported pH 7 for this material (LaFarge MSDS, revised 3/1/2011), although Gotoh et al. (2002) found pH values ranging from 11.6–12.6 for five samples of concrete dust generated by building demolition resulting from an earthquake.

In addition, numerous studies of exposed workers and laboratory test animals fail to identify the gross damage to human tissue used as a benchmark in defining corrosive materials as an effect resulting from exposure to WTC dust. The 1980 RCRA background document supporting the corrosivity regulation notes that "[s]trong base or alkalis . . . exert chemical action by dissolving skin proteins, combining with cutaneous fats, and severely damaging keratin." Typical injury endpoints used in guidance for defining a material as corrosive describe ". . .visible necrosis through the epidermis and into the dermis . . .". "Corrosive reactions are typified by ulcers, bleeding, bloody scabs . . . ." (GHS 3.2.1).

In reviewing the published literature describing injury to 9/11 exposed workers and residents, none describe gross respiratory tissue destruction or other injuries of the severity identified in definitions of corrosivity. Rather, adverse effects in various studies describe respiratory irritation and other adverse effects. Chen & Thurston (2002) identified "World Trade Center Cough", and noted that exposure to the larger particles cause temporary nose, throat, and upper airway symptoms. In a review of exposure and health effects data, Lioy et al. (2006) identified the major health consequences of WTC exposure as "aerodigestive and mental health related illnesses." The WTC aerodigestive syndrome is identified as consisting of ". . . WTC cough, irritant asthma or reactive airways dysfunction syndrome and gastroesophageal reflux disorder." In September of 2011, The Lancet published a series of articles reviewing and updating the research on adverse health effects suffered by those exposed to the WTC atmosphere. Perlman et al. (2011) identified upper and lower respiratory effects, including asthma, wheezing, tightness in the chest, and reactive airway dysfunction syndrome, as well as gastroesophageal reflux symptoms. Wesnivesky et al. (2011) identified updated occurrence rates of the adverse effects described by Perelman through a longitudinal cohort study, and it found a 42% incidence of spirometric abnormalities nine years after the exposures. Jordan et al. (2011) studied mortality among those registered in the World Trade Center Health Registry. No significantly increased mortality rates (SMR) for respiratory or heart disease were found, although increased mortality from all causes was found in more highly exposed individuals compared with the low exposure group. Finally, Zeig-Owens et al. (2011) studied cancer incidence in New York firefighters, including those exposed to the WTC dust, and found a modest increase in the cancer rates for the exposed group. However, the authors remained cautious in their conclusions, as no specific organs were preferentially affected, and the nine years since exposure does not represent the full latency period for development of many cancers. While the WTC-exposed populations in these studies experienced adverse health effects related to exposures, they are not effects of the nature and severity that the corrosivity regulation was intended to prevent.[19]

The petition identifies several particular studies that the petitioners believe demonstrate corrosive effects of the WTC dust, and it cites to several passages, apparently taken from these studies as supporting the petition (see page 30; the referenced publications are identified in footnotes (FN) to the petition).

The first passage identifies papers by Weiden et al. (2010; FN 88) and Aldrich, et al. (2010; FN 89) as the source of information. The petition extracts a quotation from the Weiden (2010) paper's discussion section that noted, "The WTC collapse produced a massive exposure to respirable particulates, with the larger size dust fractions having a pH ranging from 9 to11, leading to an alkaline "burn" of mucosal surfaces." However, this publication presented research on pulmonary capacity, and it states its primary conclusion in the paper's abstract as follows: "Airways obstruction was the predominant physiological finding underlying the reduction in lung function post September 11, 2001, in FDNY WTC rescue workers presenting for pulmonary evaluation." The idea of an alkaline "burn" is at best inferred; it is not an effect directly observed or evaluated by the researchers, nor is it one of the findings of the study. The Aldrich et al. (2010; FN89) study similarly conducted spirometry (lung function) studies of exposed firefighters and others. This abstract of this study reported that, "Exposure to World Trade Center dust led to large declines in FEV1 (1-second forced expiratory volume) for FDNY rescue workers during the first year. Overall, these declines were persistent . . .". The paper found there was no association between time of first responder/worker arrival at the WTC site and chronic effects. The paper discussion did note that the intensity of initial exposure was linked to acute lung inflammation, although there was no reference to "chemical burns" or other possible descriptors of chemical corrosive effects on workers' tissues.

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[18] Water must be added to a dust in order to test its pH, as in EPA Method 9045. Dust pH was evaluated by different investigators using methods they believed appropriate for the particular studies being conducted. Investigators used different liquid/solid ratios, and for one data set, pH was tested in the course of running a deionized water leaching test (initial pH of the water approximately pH 5.5).

[19] This may raise the question of whether the Agency should consider regulating waste dusts that are respiratory irritants as hazardous waste under RCRA. However, that question is outside the scope of the petition. As discussed herein, the petition fails to show how RCRA regulation could address any of the alleged exposures, and therefore does not support such regulation. Evaluation of whether the Agency should regulate respiratory irritants as hazardous waste would require additional information and analysis, including evaluation of whether "respiratory irritants" meet the statutory and regulatory definition of hazardous waste; and, if so, which tests or criteria would be appropriate to identify such irritants.

The petition also cites an October 2009 poster presentation/abstract (Kim et al., 2009; FN90) from an American College of Chest Physicians meeting providing the results of a study of asthma prevalence in WTC responders. The petition is generally accurate in reflecting the researchers' conclusion that asthma in WTC responders doubled over the study period 2002–2005, and in noting exposures to dust and toxic pollutants following the 9/11 attacks. There was no report in the paper of corrosive injuries to the workers.

Footnote 91 references a New York Times newspaper article of April 7, 2010, reporting on the pending publication of the paper by Aldrich et al. (2010; FN89) in the New England Journal of Medicine. The petition quotes from the New York Times article, noting that, "The cloud contained pulverized glass and cement, insulation fibers, asbestos and numerous toxic chemicals. It caused acute inflammation of the airways and the lungs. Dr. Prezant said." The article also noted, "This was not a regular fire," Dr. Prezant said. "There were thousands of gallons of burning jet fuel and an immense, dense particulate matter cloud that enveloped these workers for days." This article again illustrates the complex nature of the exposures to first responders and others at the WTC site, and does not include corrosive injury when noting the acute effects of this exposure.

The petition next quotes from a NY Fire Department, Bureau of Health Services report (FDNY, 2007; FN 92) which reports on upper respiratory symptoms in firefighters (cough, nasal congestion, sore throat) from the day of the attacks as well as at intervals up to 2–4 years in the future. The report notes that "Particulate matter analysis has shown a highly alkaline pH of WTC dust (like lye), which is extremely irritating to the upper and lower airways." Earlier discussion in the report (p.24) notes that firefighters were exposed to ". . . an enormous dust cloud with a high concentration of particulate matter consumed lower Manhattan." The WTC dust not only had very high particulate concentrations, but was also a complex mixture of materials.

Finally, the petition cites a portion of the discussion in a paper published by Reibman, et al., (2009; FN 94), which notes that, "[m]easurements of settled dust documented that these particles were highly alkaline (pH 11), and this property alone has been shown to be associated with respiratory effects. Occupational exposure to inhaled alkaline material induces chronic cough, phlegm, and dyspnea, as well as upper respiratory tract symptoms." This paper presented the results of spirometry (lung function) testing, and concluded that the exposed population had, ". . . persistent respiratory symptoms with lung function abnormalities 5 or more years after the WTC destruction." As in describing the results of other research on the WTC exposed populations, these studies identify a number of adverse effects attributable to WTC exposures from the day of the towers' collapse, as well as subsequent exposures occurring during site rescue and demolition and clean-up activities. While the adverse effects identified represent serious injuries to many workers, these injuries do not appear to include the type of gross tissue destruction of skin or the respiratory tract that is the underlying basis for defining materials as corrosive (*i.e.,* destroying tissue by dissolving or coagulating skin proteins). Rather, these effects are associated with inflammatory and irritant properties of inhaled materials.

Similarly, laboratory toxicity studies in which mice were exposed to collected 9/11 dust samples ($PM_{2.5}$), adverse effects were limited to mild to moderate degrees of airway inflammation. The test animals did experience increased responsiveness to methylcholine aerosol challenge (EPA, 2002), suggesting an irritant response to the WTC particulate matter. While these studies again suggest an irritant response to the 9/11 dust samples, they do not demonstrate corrosive injury.

If one were to apply the criteria for classifying dusts as corrosive, such as GHS (which does provide guidance for identifying nonaqueous corrosives) to the WTC data, WTC dust would not have been assessed as corrosive. GHS defines skin corrosion as ". . . visible necrosis, through the dermis and into the epidermis . . . Corrosive reactions are typified by ulcers, bleeding, bloody scabs . . ." (GHS 3.2.1.). None of these reactions to the WTC dust have been identified in the published literature cited by the petition, nor in studies identified in the Agency's review. The background information for the current RCRA corrosivity characteristic regulation references dissolution of skin proteins, combination of the corrosive substance with cutaneous fats, and severe damage to keratin as the adverse effects the regulation is intended to prevent. These kinds of injuries have not been reported in the published scientific literature presenting studies of WTC adverse effects.

The petition also argues that classification of the 9/11 dust as RCRA hazardous may have impacted workers' respirator use at the 9/11 site. However, this argument does not appear to have support. OSHA's regulations govern worker safety (*e.g.,* respirator use) when workers are handling hazardous substances in emergency response (see 29 CFR 1910.120(a)). While the petitioner is correct that CERCLA regulations incorporate RCRA hazardous wastes as part of the universe of "hazardous substances," (see petition at 8 (citing 40 CFR 302.4(b)), the universe of substances that give rise to worker safety regulations is much broader than RCRA hazardous wastes (see 29 CFR 1910.120(a)). Petitioners provide no support for the contention that broadening the universe of waste classified as RCRA-hazardous for corrosivity would have had any impact on the level of worker safety regulation imposed at the WTC site.[20]

Finally, nothing submitted by petitioners indicates that injury to human health or the environment at the WTC was related to improper treatment, storage, transport, or disposal of solid waste.[21] Similarly, petitioners fail to explain how the exposures they are concerned about at the WTC site were related to waste management activities. The complexity and duration of exposures and the lack of documentation makes it infeasible to distinguish the ambient air exposures directly resulting from the initial collapse of the towers (and ongoing fires) from exposures potentially related to waste management. Without any support for the proposition that petitioners' concerns are RCRA concerns, there is similarly no indication that amending the RCRA regulations would address similar concerns during future emergency response events.

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[20] Petitioners also argue that regulating nonaqueous wastes with a pH between 11.5 and 12.5 would have made the first responders "more motivated" to wear respirators. Petition at 23. However, there is no support for this argument, and EPA does not find this type of unsupported suggestion sufficient to warrant regulation of a new universe of waste as hazardous.

[21] *See* 42 U.S.C. 6903(5); the definition of hazardous waste includes, in part, solid wastes that may "pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed."

In sum, it is not possible to establish a causal connection between the potential corrosive properties of the dust and the resultant injuries to those exposed. The injuries documented at the WTC in connection with potentially harmful dust are not consistent with injuries caused by *corrosive* material. And finally, nothing submitted by petitioners demonstrates that injury to human health or the environment was related to improper treatment, storage, transport, or disposal of solid waste (*i.e.* the petition does not demonstrate how RCRA would or could address the potential exposures alleged to be hazardous).

b. Exposure to Concrete Dust

Petitioners also argue that corrosive injury could result from the corrosive properties of inhaled concrete dust present in the air as a result of building demolition by implosion. While the petition illustrates the potential for exposure to concrete dust from several building demolitions, no documented evidence of corrosive (or other) injury from building demolition is provided. The petition, therefore, fails to support the argument that concrete dust should be regulated as corrosive hazardous waste.

Concrete is among the most common construction materials used in the US. It is a mixture of Portland cement (10–15%) and aggregate (60–75%), with water added (15–20%) to allow hydration of the cement, which results in its solidification (Portland Cement Association, 2015). Concrete may include some entrained air, and in some cases, a portion of the Portland cement may be replaced with combustion fly ash, particularly coal fly ash. Cement is made when lime (CaO), silica (SiO_2), alumina (Al_2O_3), iron oxide (Fe_2O_3), and sulfate (SO_3) are burned together in a cement kiln at approximately 2600 degrees Fahrenheit (°F). The resulting material, called "clinker", which contains more complex mineral forms of the ingredients, is ground to a fine powder, and gypsum is added ($CaSO_4$-2 H_2O). This powder is cement; when added to aggregate and hydrated, it becomes concrete.

The other key component of concrete is the aggregate. Both fine and coarse aggregate are used, with their proportions varying depending on the particular use of the concrete. A variety of materials may be used as aggregate, with recently increasing emphasis on use of recycled materials as aggregate (*e.g.,* glass, ceramic scrap, crushed concrete; Marie and Quaisrawi, 2012; Castro and Brito, 2013). However, traditional aggregate is sand and gravel from different types of rock. These include silica sand, quartz, granite, limestone and many others. There exists a whole field of study dedicated to understanding the properties and best uses of different kinds of aggregate materials in making concrete (PCA, 2003). Many of the materials used as concrete aggregate include silica minerals, and crystalline silica dust exposure is a significant occupational exposure concern, as it can cause respiratory injury known as silicosis (see 78 FR 56274, September 12, 2013). In silicosis, inhaled crystalline silica dust can cause fluid accumulation and scarring of the lungs, which can reduce respiratory capacity (American Lung Association, "Learn about Silicosis." retrieved from *http://www.lung.org/lung-health-and-diseases/lung-disease-lookup/silicosis/learn-about-silicosis.html*). Various MSDS for ready mix concrete (*i.e.,* cement pre-mixed with aggregate; just add water) identify its crystalline silica content as, in one case, 20–85%, in another, as 0–90% (MSDS-Ready Mixed Concrete, April 14, 2011; MSDS-Lafarge Crushed Concrete, March 1, 2011).

Many of the compounds and oxides present in concrete are already regulated by OSHA when they occur as airborne dust. These include calcium silicates, calcium hydroxide, calcium oxide, and silicates. OSHA sets worker exposure standards for these chemicals, known as "permissible exposure levels" (PELs; see 29 CFR 1910.1000, tables Z–1 and Z–3, in particular). The PEL for airborne calcium oxide dust is 5 mg/m^3; those for calcium hydroxide and calcium silicate are 15 mg/m^3 for total dust, and 5 mg/m^3 for respirable dust; all measured as 8 hour time weighted average (TWA) values.

There appear to be few studies published in the peer-reviewed scientific literature that have examined the adverse health effects of exposure specifically to concrete dust. OSHA includes concrete dust among the materials that would be covered under their proposed regulation to revise the PEL for respirable crystalline silica (September 12, 2013; 78 FR 56274). OSHA's "Occupational Exposure to Respirable Crystalline Silica—Review of Health Effects Literature and Preliminary Quantitative Risk Assessment" (OSHA, 2013), developed in support of its proposed regulation, identifies concrete production as among the industries whose workers are likely to be exposed to crystalline silica, and notes that several of the health effects studies OSHA relied on in its assessment consider exposure to brick or concrete dust as risk factors for cancers caused by silica. The one study that specifically considered the adverse health effects of concrete dust exposure to 144 concrete workers identified ". . . mild chronic obstructive pulmonary disease at respirable concrete dust levels below 1 mg/m^3, with a respirable crystalline silica content of 10% (TWA 8 hr.)." (Meijer *et al.*, 2001). Neither this report, nor the OSHA silica rule risk assessment document noted any corrosive effects in workers exposed to respirable concrete dust. Other OSHA literature on concrete does identify potential effects from exposure to cement dust or wet concrete, ranging from moderate irritation to chemical burns (OSHA Pocket Guide on Concrete Manufacturing; available online at *https://www.osha.gov/Publications/3221_Concrete.pdf*). However, neither the petition nor information gathered through the Agency's independent review of the literature provides sufficient specificity for the Agency to analyze whether this "Pocket Guide" supports the regulatory changes requested. For example, it is not clear whether any of the potential exposures cited in the document involved actual waste management scenarios. Given the wide range of potential effects cited, it is also not clear how the pH of the material would relate to that range of potential effects. Finally, as discussed above, many of the compounds and oxides present in concrete are already regulated by OSHA, and, where OSHA evaluated the risks of respirable concrete dust as part of its silica rule, its studies did not cite potential corrosive effects of concrete dust as part of the worker health concern the regulation was focused on controlling.

OSHA also distinguishes inert, or nuisance dust from fibrogenic dust, such as crystalline silica or asbestos. Nuisance dust is dust containing less than 1% quartz, a form of crystalline silica; the PEL values for nuisance dust are also 15 mg/m^3 total dust and 5 mg/m^3 for the respirable fraction, the same PEL values as for calcium hydroxide and calcium silicate dusts. (OSHA, "Chapter 1: Dust and its Control," retrieved from *https://www.osha.gov/dsg/topics/silicacrystalline/dust/chapter_1.html*).[22]

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[22] Some of the exposures that petitioners are concerned about may also be addressed by the

Continued

In sum, while the petition alleges harmful exposure to concrete dust from several building demolitions, no documented evidence of corrosive (or other) injury from building demolition is provided in the petition. Similarly, the literature on this topic is limited, and what limited literature does exist does not demonstrate that the petitioners' requested regulatory changes are warranted.

c. Exposure to Cement Kiln Dust

The petition also argues that corrosive injury could result from the corrosive properties of Cement Kiln Dust (CKD). However, the petition again fails to provide any evidence demonstrating that CKD would be appropriately characterized as corrosive under RCRA.

CKD is an air pollution control residue collected during Portland cement manufacture. CKD was exempted from regulation as hazardous waste under RCRA pending completion of a report to Congress providing an evaluation of CKD properties, potential hazards, current management, and other information, by the Bevill Amendment to RCRA (see 42 U.S.C. 6921(b)(3)(A)(i) through (iii)). Following completion of the Report, the EPA was required to determine whether regulation of CKD as hazardous waste is warranted. EPA published its Report to congress on CKD in 1993 (see docket for Report to Congress on CKD, 1993), and published a RCRA regulatory determination in 1995 (60 FR 7366, February 7, 1995). Most CKD is managed on-site in non-engineered landfills, piles, and ponds, which lack liners, leachate collection and run-on/runoff controls. Wind-blown CKD was cited as a concern in a number of the damage cases resulting from CKD management, but the Agency did not identify any cases of corrosive injury either to workers or the general public. The risk assessment portion of the Report examined possible direct exposures to CKD via the air pathway and found:

> "Quantitative modeling of air pathway risks to people living near case-study facilities indicated that wind erosion and mechanical disturbances of on-site CKD piles do not result in significant risks at nearby residences via direct inhalation (*e.g.,* central tendency and high end risks estimates were all less than 1×10^{-11} increased individual cancer risk at all five facilities modeled). However, fugitive dust from on-site CKD piles was estimated to be one of two contributors in some cases to higher risk estimates for indirect exposure pathways (which were primarily a result of direct surface run-off from the CKD pile reaching an agricultural field)." See docket for Report to Congress on CKD, page 6–51.

Subsequent screening level modelling found that windblown fugitive CKD could cause violations of the Clean Air Act fine particulate matter ambient air quality standard (PM 10) at plant boundaries and potentially at nearby residences. The Agency's regulatory determination for CKD concluded that existing fugitive dust controls were ineffective in preventing fugitive releases to the air, and determined that additional controls were warranted due to risks from fugitive air emissions and runoff to surface waters in particular, and also due to the potential for metals to leach into groundwater. However, no corrosive injuries were identified.

EPA published a proposed rule in 1999 (64 FR 45632, August 20, 1999) to address these concerns. The proposal focused in particular on improving runoff controls from CKD piles, and controlling fugitive dust releases, as well as performance-based controls on release to groundwater. Action on this proposed rule has not been finalized.[23]

A number of new studies and data reviews have been published since the 1999 proposal. These include a 2006 review of the effects of Portland cement dust exposure by the United Kingdom Health and Safety Executive (2005) and studies published in the scientific literature by van Berlo *et al.,* (2009); Isikli *et al.,* (2006); Ogunbileje *et al.,* (2013); Ogunbileje *et al.,* (2014); Orman *et al.,* (2005); and Fatima *et al.,* (2001). While several of these studies note that cement dust may be an irritant, or cause contact dermatitis, none identified corrosive injury resulting from exposures to CKD or Portland cement dust.

In sum, while the petition alleges harmful exposure from CKD, the current record before the Agency fails to support that CKD should be regulated as corrosive under RCRA.

B. Wastes That May Be Newly Regulated Under the Requested Revisions

In the process of reviewing and evaluating the petition, the Agency has focused primarily on understanding and responding to the issues raised by the petition. While the petition focuses on exposure and health effects issues, it does not address the issue of the impacts of the petition's proposed regulatory changes. At this point in its review, the Agency has not developed a systematic assessment of the types and volumes of waste that might be newly regulated as hazardous if the Agency were to make the requested changes to the corrosivity characteristic regulations. However, interested industry stakeholders have reviewed the petition and sent the Agency their estimates of the types and volumes of wastes generated by their industries that might become RCRA hazardous under the petitioners' proposed regulatory revisions. The industry stakeholders believe these wastes are currently managed or reused safely, and that regulating them as hazardous waste would not produce a corresponding benefit to worker, public or environmental safety. The Agency has not evaluated their estimates. While the industry estimates are informal, they may nonetheless provide at least a qualitative, and, to some degree, a quantitative estimate of waste that could become newly regulated were the Agency to make the requested regulatory changes. See Letters of September 30, 2015 and November 30 2015, from Wittenborn and Green. Also see letter of September 4, 2015 from Waste Management, and August 28, 2015 letter from the National Waste and Recycling Association, in the rulemaking docket for this document.

C. Determining What Waste Is "Aqueous"

As a part of the argument regarding regulation of solid corrosives, the petition asserts that the current corrosivity regulation is ambiguous, particularly with regard to the definition of the term "aqueous" as used in 40 CFR 261.22(a)(1) and that this causes confusion in implementing the regulation (see page 36 of the petition). The petition also asserts that inclusion of nonaqueous wastes within the scope of the characteristic is consistent with the approach taken by other federal agencies, and would clarify this issue. Method 9040 (in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," also known as SW–846), which is incorporated into the corrosivity characteristic regulation to test for pH, is used to evaluate "aqueous wastes and those multiphase wastes where the aqueous phase constitutes at least 20% of the total volume of the waste". A number of EPA policy letters on determining what wastes are aqueous, referred to in the paragraph below, do identify more than one approach to distinguishing aqueous from nonaqueous wastes. However,

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National Ambient Air Quality Standards ("NAAQS") for particulate matter (40 CFR pt. 50) and the National Emission Standards for Hazardous Air Pollutants ("NESHAPs") for asbestos (40 CFR pt. 61, subpt. M).

[23] While action on RCRA regulation has not yet been finalized, EPA has established standards for emissions of hazardous air pollutants from the Portland cement manufacturing industry under section 112 of the Clean Air Act. See, *e.g.,* 40 CFR pt. 63, subpt. LLL.

while petitioners are correct in noting that the inclusion of nonaqueous wastes within the scope of the corrosivity characteristic would address this issue, the Agency currently lacks data demonstrating that regulation of nonaqueous wastes as corrosive is warranted under RCRA. Therefore any clarification of the term "aqueous" should be appropriately tailored and narrower than the change the petition recommends.

The Agency did address this issue when developing the corrosivity characteristic definition in 1980. The background document discusses how to address the potential for analytical interference in testing wastes that may be suspensions or gel type material. At least one commenter urged the Agency to define the term "aqueous"; however, the Agency considered it as a testing issue, and part of the waste generator's obligation to determine whether their waste is RCRA hazardous (see 40 CFR 262.11). In 1985, the Agency published the "paint filter liquids test" (PFT) for identifying wastes containing free liquids (Method 9095; 50 FR 18372, April 30, 1985), and recommended its use for distinguishing aqueous from nonaqueous wastes. However, a year later, EPA expressed concern about the reliability and precision of the PFT for separating liquids from solids when it proposed the Toxicity Characteristic Leaching Procedure (TCLP) test, and instead proposed the use of pressure filtration for separating solids from liquids in that test (June 13, 1986; 51 FR 21681). In letters in 1989 (see docket for letter to Mr. Wagner) and 1990 (see docket for letter to Mr. Wyatt) the Agency urged the use of the EP Tox test pressure filtration procedure (Step 7.15; Method 1310) for determining whether wastes contained liquids, but also noted that the paint filter test could be used to show that a waste was liquid or aqueous (*i.e.*, a positive determination), but not to show a waste was not liquid or aqueous (*i.e.*, a negative determination). Letters in 1992 (see docket for letters titled "'Aqueous' as Applied to the Corrosivity Characteristic" and "Alcohol-Content Exclusion for the Ignitability Characteristic") and 1993 (see docket for letter to Mr. Parsons) noted that aqueous wastes need not be liquid, and identified suspensions, sols or gels for which pH could be measured as subject to the corrosivity characteristic. In a 1993 rule proposal updating SW–846, the Agency stated that method 9095 could be used only to demonstrate that a waste is aqueous, and that pressure filtration is necessary to show that a waste is not aqueous (58 FR 46054, August 31, 1993), and proposed to revise the SW–846 guidance for implementing the hazardous characteristics to reflect this. However, in finalizing these proposed revisions to SW–846, the Agency considered industry concerns that the proposed revision to the characteristics implementation guidance was insufficiently clear and determined not to revise the guidance. The Agency also reiterated its assessment of PFT use: that wastes producing no liquid using Method 9095 should be subsequently subjected to the more definitive method for separating liquids from solids, pressure filtration, as described in Step 7.2.7 of Method 1311 (the TCLP test; 60 FR 3089 and 3092, January 13, 1995).

As this issue is tangential to the petitioners' requests for regulatory change, the Agency is proposing no changes to its guidance at this time. The Agency may further consider this issue in the course of revising and updating the SW–846 analytical methods in the future.

D. Other Potentially Relevant Incidents

The purpose of this analysis is to identify whether currently unregulated wastes are causing harm that could be effectively addressed by RCRA regulation ("damage cases.") The petition presents several incidents the petitioners consider to be waste-management damage cases. As explained above, the evidence presented in the petition does not appear to justify a regulatory change. In addition to the incidents presented by the petition, the Agency sought to identify incidents of corrosive injuries (*i.e.*, chemical burns) to workers or others that may be attributable to exposure to corrosive materials. In support of revisions to RCRA's regulatory definition of solid waste, the Agency searched for damage cases involving mishandling of wastes at recycling facilities. Several of the 208 cases identified mishandling of "corrosive or caustic wastes" (primarily at drum reconditioning operations); no corrosive injuries to individuals were reported, and the pH of the materials was not identified, so it is not possible to know whether these wastes were in fact RCRA hazardous (EPA 2007; An Assessment of Environmental Problems Associated with Recycling of Hazardous Secondary Materials). A 2015 update of this study similarly identified incidents at several drum reconditioning operations in which caustic solutions were mishandled, but no corrosive injuries to workers were reported (EPA 2015, updating "An Assessment of Environmental Problems Associated with Recycling of Hazardous Secondary Materials").

The Agency also reviewed a worker accident database compiled by OSHA (available by using key word "chemical burn" at *http://osha.gov/pis/imis/accidentsearch.html*). While a number of chemical burns were identified in the database, only a few contained enough detail to know the pH of the material, and all but one of the cases also involved heated materials (most at 136–295 °F, and one above 800 degrees °F), making it difficult to attribute the resultant injuries solely to the corrosive properties of the materials. In the case that did not involve heated material, an employee got chemical burns when exposed to effluent with pH estimated to be 9.9 from a clarifier tank leak, although the material was not identified. In light of the pH value, petitioners' proposed regulatory change would still not have captured this material as characteristic waste.

The Agency also has information describing a 1999 incident in which an employee of a pulp and paper plant apparently slipped and fell into black liquor sludge at the edge of a concrete pad on which it was being stored (see docket materials related to Mr. Matheny). The employee was knocked unconscious, and, as he was working an overnight shift, lay in the material for several hours before being found by co-workers. He suffered chemical burns on more than 50% of his body, and died from his injuries. While this material apparently contained enough absorbed water to cause injury (although the water content was not tested), subsequent information indicated that it passed the paint filter test, and so was not considered to be an aqueous waste under the RCRA corrosivity regulation, and was therefore determined to be outside the scope of the regulation. This may be an instance in which a high sodium concentration in the waste interfered with testing its pH, as it showed a pH reading of 12.45 when tested directly, but with 10% water added to the sample to reduce the sodium interference, its pH was 12.95. Rather than providing support for expanding the definition of corrosivity to include nonaqueous materials however, the Agency believes this damage case may illustrate the value of clarifying the Agency's approach to determining what wastes are aqueous. As mentioned above in section IV.2.C, the Agency may further consider the issue of testing which wastes are aqueous in the course of revising and updating the SW–846 analytical methods in the future.

V. EPA's Conclusions and Rationale for Tentative Denial of the Petition

In urging the Agency to expand the scope of the RCRA corrosivity characteristic, the petition advances a number of arguments. However, the petition fails in several ways to demonstrate that a regulatory change is warranted. While the petition demonstrates that there has been human exposure to materials identified by the petition as being of concern, such as concrete dust and CKD, it fails to identify injuries of the type and severity addressed by the RCRA corrosivity characteristic that have resulted from these exposures. The injuries that did occur to those exposed to the WTC dust have been attributed to the dust as a whole, but cannot reliably be attributed to any one property of the dust. While WTC first responders and demolition workers clearly have suffered adverse health effects resulting from WTC dust exposure, none of the published research on this population reviewed by the Agency has identified gross tissue damage of the kind incorporated into the RCRA and other regulatory and guidance definitions of corrosivity (*e.g.,* dissolving of skin proteins, combining with cutaneous fats, or chemical burns). WTC dust and concrete and cement dust may be respiratory irritants, but do not appear to be corrosives. Further, many of the dusts identified as of concern often exhibit pH values below the pH 11.5 value advocated in the petition. And finally, the petition fails to demonstrate that the hazards posed by the WTC site dust could have been reduced or controlled through RCRA regulation.

The petition also argues that pH 11.5 is a widely used presumptive standard for identifying material as corrosive, but fails to identify that corrosive injury in animal tests remains the fundamental basis for corrosivity classification, and that pH 11.5 is used as an optional screening value that may be rebutted by *in vivo* or various *in vitro* test data. The use of pH 11.5 in these regulations and guidances is fundamentally different from how the pH 12.5 value is used in the RCRA corrosivity characteristic regulation, and such use does not set a precedent for defining corrosivity under RCRA. Significant precaution can be incorporated into these flexible evaluation approaches without resulting in unwarranted regulation, because the presumption of corrosivity can be rebutted. RCRA regulations do not include such flexibility and are not rebuttable; a waste meeting the hazardous waste characteristics regulatory criteria (and not otherwise excluded from regulation) is RCRA hazardous, which would trigger the entire RCRA cradle-to-grave waste management system. As noted in the discussion previously, the RCRA corrosivity characteristic reflects the particular concerns of waste management in the United States.

One of the Agency's tentative conclusions in evaluating the petition and related materials is that while the dusts identified by the petition as being of concern are not corrosive materials, they appear to be irritant materials. This raises the question of whether the Agency should consider a new hazardous waste characteristic that would identify and regulate irritant wastes. However, this particular question falls outside the scope of the current petition. Moreover, there remain significant questions about whether RCRA waste management procedures would address any of the exposures identified in the petition.

Finally, the hazardous characteristics regulations are not the only RCRA authority the Agency has for addressing risks related to waste management. If wastes generated by a particular industry, or a particular waste generated by a number of industries, were identified as posing corrosive risks to human health or the environment that could be effectively addressed by RCRA regulation, the Agency could initiate a hazardous waste listing rulemaking to regulate that waste. Given the lack of evidence to demonstrate that a wholesale change of the pH threshold in the corrosivity regulation is warranted, the listing approach would effectively address a specifically identified waste without running the risk of over-including wastes that have a pH greater than 11.5 without demonstrating corrosive properties.[24]

VI. Request for Public Comment on EPA's Tentative Denial of the Petition

As part of this document, the Agency is soliciting public comment and data and other information on the issues raised by the petition. These include information on possible health impacts of the current corrosivity regulation (if any), as well as health benefits (if any) that may be anticipated were the Agency to grant the petition's proposed regulatory changes. Further, the Agency is requesting public comment on any other issues raised by this tentative decision to deny the petition, as well as additional information on the types and amounts of waste that may be newly regulated, and the potential cost of such management, were the agency to grant the proposed regulatory changes. Stakeholders intending to provide comments or information to the Agency in this matter are encouraged to review the petition and its supporting documents in their entirety to ensure that they identify any issues not discussed here that they may find of interest.

VII. References

The full bibliography for references and citations in this action can be found in the docket as a supporting document.

List of Subjects in 40 CFR Part 261

Environmental protection, Characteristic of corrosivity, and Characteristics of hazardous waste.

Dated: March 30, 2016.

Mathy Stanislaus,

Assistant Administrator, Office of Land and Emergency Management.

[FR Doc. 2016–08278 Filed 4–8–16; 8:45 am]

BILLING CODE 6560–50–P

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[24] In particular instances, RCRA 7003 authority can also be used to address situations posing threats of imminent and substantial endangerment from waste mismanagement.

Notices

Federal Register
Vol. 81, No. 69
Monday, April 11, 2016

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Submission for OMB Review; Comment Request

April 5, 2016.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by May 11, 2016 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: Supplemental Nutrition Assistance Program (SNAP): Employment and Training Program Monitoring, Oversight and Reporting Measures.

OMB Control Number: 0584–NEW.

Summary of Collection: In an interim final rule, FNS is amending the SNAP regulations at 7 CFR 273 to implement the employment and training (E&T) provisions of section 4022 (a)(2) of the Agricultural Act of 2014 (P.L. 113–79). Section 4022 (a)(2) of the Agricultural Act of 2014 requires the Department to develop national reporting measures and for State agencies to report outcome data to the Department. State agencies are required to submit reports on the impact of certain E&T components and, in certain States, the E&T services provided to able-bodied adults without dependents (ABAWDs).

Need and Use of the Information: While a number of State agencies have collected various pieces of information about the outcome of their E&T efforts, this rule will require the reporting of uniform outcome data. With this information FNS will be able to identify more, and less, successful E&T practices and work with State agencies to improve their E&T programs. This process is critical to building a more effective E&T operation nationally that will help move more individuals into the workforce more quickly. Beyond the many benefits that earnings provide to SNAP's low income population, they also reduce the cost of SNAP.

Description of Respondents: State, Local, or Tribal Government.

Number of Respondents: 53.

Frequency of Responses: Recordkeeping; Reporting; Annually.

Total Burden Hours: 12,233.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2016–08175 Filed 4–8–16; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Wenatchee-Okanogan Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meetings.

SUMMARY: The Wenatchee-Okanogan Resource Advisory Committee (RAC) will meet in Wenatchee, Washington. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. The purpose of the meeting is to review projects proposed for RAC consideration under Title II of the Act. RAC information can be found at the following Web site: *http://www.fs.usda.gov/main/okawen/workingtogether/advisorycommittees.*

DATES: The meeting will be held from 9:00 a.m. to 3:30 p.m. on May 10, 2016.

All RAC meetings are subject to cancellation. For status of meetings prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Sunnyslope Fire Station, 206 Easy Street, Wenatchee, Washington.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Okanogan-Wenatchee NF Headquarters Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: RAC Coordinator Robin DeMario by phone at 509–664–9292 or via email at *rdemario@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meetings is to:

1. Provide status updates regarding Secure Rural Schools Program and Title II funding; and
2. Review and recommend projects for Title II funding for Okanogan County.

These meetings are open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by April 11, 2016, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Robin DeMario, RAC Coordinator, 215 Melody Lane, Wenatchee, Washington 98801; by email to *rdemario@fs.fed.us* or via facsimile to 509–664–9286.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: April 4, 2016.

Jason Kuiken,

Deputy Forest Supervisor, Okanogan-Wenatchee National Forest.

[FR Doc. 2016–08209 Filed 4–8–16; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of New Fee Site; Federal Lands Recreation Enhancement Act, (Title VIII, Pub. L. 108–447)

AGENCY: Lincoln National Forest, Forest Service, USDA.

ACTION: Notice of new fee site.

SUMMARY: The Lincoln National Forest is proposing to charge a $65 fee each for the overnight rentals of two cabins: The Wofford Lookout Tower Complex and the Dark Canyon Lookout and Cabin. The Wofford Complex consists of an 80-foot lookout tower, cabin, additional sleeping cabin and an outhouse, while Dark Canyon consists of a 48-foot steel tower and an observer's cabin. Neither facility has been available for overnight use prior to this date. Rentals of other cabins in the Southwestern Region have shown that people appreciate and enjoy the availability of historic cabins and lookouts. Wofford Cabin is listed in the **Federal Register** of Historic Places. Funds from both the rentals will be used for the continued operation and maintenance of each of the facilities. These fees are only proposed and will be determined upon further analysis and public comment.

DATES: Send any comments about these fee proposals by August 2016 so comments can be compiled, analyzed and shared with a Recreation Resource Advisory Committee. Should the fee proposal move forward, both rentals will likely be available October 2016.

ADDRESSES: Forest Supervisor, Lincoln National Forest, 3463 Las Palomas Rd., Alamogordo, NM 88310.

FOR FURTHER INFORMATION CONTACT: Sharon Cuevas, Recreation Fee Coordinator, (505)842–3235

SUPPLEMENTARY INFORMATION: The Federal Recreation Lands Enhancement Act (Title VII, Pub. L. 108–447) directed the Secretary of Agriculture to publish a six month advance notice in the **Federal Register** whenever new recreation fee areas are established.

This new fee will be reviewed by a Recreation Resource Advisory Committee prior to a final decision and implementation.

Currently no Federal or State agencies in the state of New Mexico offer overnight rentals of any type. Arizona, the neighboring state in Region 3, provides several historic properties for public rental and that program has become very successful. With its very tall height and Civilian Conservation Corps (CCC) cabin, the Wofford Lookout Tower Complex will provide a unique recreational experience for both local visitors and travelers. The Dark Canyon lookout came from U.S. Army surplus in 1949 and is one of only two types of these lookouts in the Southwestern Region. It also features a CCC cabin. A market analysis indicates that the $65/per night fee is both reasonable and acceptable for this sort of unique recreation experience.

People wanting to rent either facility will need to do so through the National Recreation Reservation Service, at *www.recreation.gov* or by calling 1–877–444–6777. The National Recreation Reservation Service charges a $9 fee for reservations.

Dated: March 18, 2016.

Travis Moseley,

Lincoln National Forest Supervisor.

[FR Doc. 2016–08172 Filed 4–8–16; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Submission for OMB Review; Comment Request

April 5, 2016.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by May 11, 2016 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20503. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Agricultural Statistics Service

Title: Agricultural Prices.

OMB Control Number: 0535–0003.

Summary of Collection: The Agricultural Prices surveys provide data on the prices received by farmers and prices paid for production goods and services. This information is needed by the U.S. Department of Agriculture, National Agriculture Statistics Service (NASS) for the following purposes: (a) To compute Parity Prices in accordance with requirements of the Agricultural Adjustment Act of 1938 as amended (Title III, Subtitle A, Section 301a, (b) to estimate value of production, inventory values, and cash receipts from farming, (c) to determine the level for farmer owned reserves, (d) to provide guidelines for Risk Management Agency price selection options, (e) to determine Federal disaster prices to be paid, (f) establishing USDA's net farm income projections by the Economic Research Service and (g) to determine the grazing fee on Federal lands. General authority for these data collection activities is granted under U.S. Code Title 7, Section 2204.

Need and Use of the Information: The NASS price program computes annual U.S. weighted average prices received by farmers for wheat, barley, oats, corn, grain sorghum, rice, cotton, peanuts, pulse crops and oilseeds based on monthly marketing. Estimates of prices received are used by NASS to determine the value of agricultural production. Prices estimates are used by many Government agencies as a general measure of commodity price changes, economic analysis relating to farm income and alternative marketing policies, and for disaster and insurance payments. NASS estimates based on these surveys are used as a Principle Economic Indicator of the United States. These price estimates are also used to compute Parity Prices in accordance with requirements of the Agricultural Adjustment Act of 1938 as amended (Title III, Subtitle A, Section 301(a)).

Description of Respondents: Farms; Business or other for-profit.

Number of Respondents: 67,535.

Frequency of Responses: Reporting: On occasion; Monthly; Annually; Biennially.

Total Burden Hours: 30,583.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2016–08173 Filed 4–8–16; 8:45 am]

BILLING CODE 3410–20–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the South Dakota Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the South Dakota Advisory Committee to the Commission will convene at 12 p.m. (MST) on Wednesday, April 27, 2016, via teleconference. The purpose of the meeting is to vote on a project proposal and continue with planning of a future briefing.

Members of the public may listen to the discussion by dialing the following Conference Call Toll-Free Number: 1–888–461–2024; Conference ID: 8084209. Please be advised that before being placed into the conference call, the operator will ask callers to provide their names, their organizational affiliations (if any), and an email address (if available) prior to placing callers into the conference room. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free phone number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service (FRS) at 1–800–977–8339 and provide the FRS operator with the Conference Call Toll-Free Number: 1–888–461–2024, Conference ID: 8084209. Members of the public are invited to submit written comments; the comments must be received in the regional office by Thursday, May 5, 2016. Written comments may be mailed to the Rocky Mountain Regional Office, U.S. Commission on Civil Rights, 1961 Stout Street, Suite 13–201, Denver, CO 80294, faxed to (303) 866–1050, or emailed to Evelyn Bohor at *ebohor@usccr.gov.* Persons who desire additional information may contact the Rocky Mountain Regional Office at (303) 866–1040.

Records and documents discussed during the meeting will be available for public viewing as they become available at *http://www.facadatabase.gov/committee/meetings.aspx?cid=274* and clicking on the "Meeting Details" and "Documents" links. Records generated from this meeting may also be inspected and reproduced at the Rocky Mountain Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Rocky Mountain Regional Office at the above phone number, email or street address.

Agenda

- Welcome and Introductions
  Richard Braunstein, Chair, South Dakota Advisory Committee
  Malee V. Craft, Regional Director, Rocky Mountain Regional Office (RMRO)
- Vote on Project Proposal
- Continue planning for future briefing
- Next Steps

DATES: Wednesday, April 27, 2016, at 12 p.m. (MST)

ADDRESSES: To be held via teleconference:

Conference Call Toll-Free Number: 1–888–461–2024, Conference ID: 8084209.

TDD: Dial Federal Relay Service 1–800–977–8339 and give the operator the above conference call number and conference ID.

FOR FURTHER INFORMATION CONTACT: Malee V. Craft, DFO, *mcraft@usccr.gov,* 303–866–1040

Dated: April 5, 2016.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2016–08196 Filed 4–8–16; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Institute of Standards and Technology (NIST).

Title: NIST Generic Clearance for Program Evaluation Data Collections.

OMB Control Number: 0693–0033.

Form Number(s): None.

Type of Request: Regular submission (reinstatement of previously approved information collection.)

Number of Respondents: 12,000.

Average Hours per Response: Varied dependent upon the individual data collection. Response time could be 2 minutes for a response card or 1 hour for a more structured collection instrument. The overall average response time is expected to be 30 minutes.

Burden Hours: 5,000.

Needs and Uses: In accordance with Executive Order 12862, the National Institute of Standards and Technology (NIST), a non-regulatory agency of the Department of Commerce (DOC), proposes to conduct a number of surveys both quantitative and qualitative-designed to evaluate our current program evaluation data collections by means of, but not limited to, focus groups, reply cards that accompany product distributions, and Web-based surveys and dialogue boxes that offer customers an opportunity to express their views on the programs they are asked to evaluate. NIST will limit its inquires to data collections that solicit strictly voluntary opinions and will not collect information that is required or regulated. Steps will be taken to assure anonymity covered under this request.

Affected Public: Business or other for profit organizations, not-for-profit institutions, individuals or households, Federal government, State, Local or Tribal Government.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: April 6, 2016.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2016–08214 Filed 4–8–16; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Census Employment Inquiry.

OMB Control Number: 0607–0139.

Form Number(s): BC–170A, BC–170B, and BC–170D.

Type of Request: Regular submission.

Number of Respondents: 70,000.

Average Hours per Response: 15 min.

Burden Hours: 17,500.

Needs and Uses: Application for benefits

Affected Public: Individuals or households.

Frequency: One time.

Respondent's Obligation: Required to obtain or retain benefits.

Legal Authority: Title 13 U.S.C. Section 23 a and c.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202)395–5806.

Dated: April 6, 2016.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2016–08203 Filed 4–8–16; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–602]

Brass Sheet and Strip From Germany: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2014–2015

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In response to a request from Petitioners[1], the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on brass sheet and strip from Germany. The period of review (POR) is March 1, 2014, through February 28, 2015.[2] The review covers ten producers or exporters of subject merchandise.[3] We preliminarily find that three of the producers or exporters for which the Department initiated a review, Schwermetall, ThyssenKrupp, and Wieland, had no shipments during the POR. Further, we preliminarily find that subject merchandise has been sold at less than normal value by seven of the companies subject to this review.[4] Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* April 11, 2016.

FOR FURTHER INFORMATION CONTACT: George McMahon, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1167.

SUPPLEMENTARY INFORMATION:

Background

As explained in the memorandum from the Acting Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll all administrative deadlines due to the recent closure of the Federal Government. All deadlines in this segment of the proceeding have been extended by four business days. Accordingly, the revised deadline for the preliminary results of this review is now April 5, 2016.[5]

Scope of the Order

The merchandise subject to the antidumping duty order is brass sheet and strip, other than leaded brass and tin brass sheet and strip, from Germany, which is currently classified under subheading 7409.21.00.50, 7409.21.00.75, 7409.21.00.90, 7409.29.00.50, 7409.29.00.75, and 7409.29.00.90 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.[6]

Methodology

In accordance with sections 776(a) and (b) of the Tariff Act of 1930, as amended (the Act), we relied on facts available with an adverse inference with respect to Messingwerk, the sole company selected for individual examination in this review, and assigned to it a preliminary dumping margin of 55.60 percent. In making these findings, we relied on facts available because Messingwerk failed to respond to the Department's antidumping duty questionnaire, and thus withheld requested information, failed to provide requested information by the established deadlines, and significantly impeded this proceeding. *See* sections 776(a)(1) and (2)(A)-(C) of the Act. Furthermore, because we preliminarily determine that Messingwerk failed to cooperate by not acting to the best of its ability to comply with the Department's requests for information, we drew an adverse inference in selecting from among the facts otherwise available. *See* section 776(b) of the Act.

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[1] The Petitioners are GBC Metals, LLC of Global Brass and Copper, Inc., dba Olin Brass, Heyco Metals, Inc., Aurubis Buffalo, Inc. PMX Industries, Inc. and Revere Copper Products, Inc.

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 79 FR 24398 (April 30, 2014) (*Initiation*).

[3] The ten producers or exporters are: Aurubis Stolberg GmbH & Co. KG, Carl Schreiber GmbH, KME Germany AG & Co. KG, Messingwerk Plettenberg Herfeld GmbH & Co. KG (Messingwerk), MKM Mansfelder Kupfer & Messing GmbH, Schlenk Metallfolien GmbH & Co. KG, Schwermetall Halbzeugwerk GmbH & Co. KG (Schwermetall), Sundwiger Messingwerke GmbH & Co. KG, ThyssenKrupp VDM GmbH (ThyssenKrupp), and Wieland-Werke AG (Wieland).

[4] The seven companies are: Aurubis Stolberg GmbH & Co. KG, Carl Schreiber GmbH, KME Germany AG & Co. KG, Messingwerk, MKM Mansfelder Kupfer & Messing GmbH, Schlenk Metallfolien GmbH & Co. KG, and Sundwiger Messingwerke GmbH & Co. KG.

[5] *See* Memorandum to the Record from Ron Lorentzen, Acting Assistant Secretary for Enforcement & Compliance, regarding "Tolling of Administrative Deadlines As a Result of the Government Closure During Snowstorm Jonas," dated January 27, 2016.

[6] For a full description of the scope of the order, *see* the "Decision Memorandum for Preliminary Results of the Antidumping Duty Administrative Review: Brass Sheet and Strip from Germany; 2014–2015" from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, dated concurrently with this notice (Preliminary Decision Memorandum).

Additionally, as indicated in the "Preliminary Results of Review" section below, we preliminarily determine that a margin of 22.61 percent applies to the six firms not selected for individual review, *i.e.*, an average of the range of certain dumping margins contained in the underlying Petition.[7] For further information, *see* the Preliminary Decision Memorandum at "Rate for Non-Examined Companies."

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. A list of topics included in the Preliminary Decision Memorandum is included in the Appendix attached to this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at: *http://enforcement.trade.gov/frn/index.html.*

A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

Preliminary Determination of No Shipments

Based on our analysis of U.S. Customs and Border Protection (CBP) information and information provided by Schwermetall, ThyssenKrupp, and Wieland, we preliminarily determine that these companies had no shipments of the subject merchandise, and, therefore, no reviewable transactions, during the POR. For a full discussion of this determination, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

As a result of our review, we preliminarily determine that the following dumping margins on brass sheet and strip from Germany exist for the period March 1, 2014, through February 28, 2015, at the following rates:

Producer and/or Exporter	Margin (percent)
Aurubis Stolberg GmbH & Co. KG	22.61
Carl Schreiber GmbH	22.61
KME Germany AG & Co. KG	22.61
Messingwerk Plettenberg Herfeld GmbH & Co. KG	55.60
MKM Mansfelder Kupfer & Messing GmbH	22.61
Schlenk Metallfolien GmbH & Co. KG	22.61
Sundwiger Messingwerke GmbH & Co. KG	22.61

Disclosure and Public Comment

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[8] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[9] Interested parties who wish to comment on the preliminary results must file briefs electronically using ACCESS.[10] An electronically-filed document must be received successfully in its entirety in ACCESS, by 5 p.m. Eastern Time (ET) on the date the document is due.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically *via* ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5 p.m. ET within 30 days after the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs.

The Department intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. If the preliminary results are unchanged for the final results we will instruct CBP to apply an *ad valorem* assessment rate of 55.60 percent to all entries of subject merchandise during the POR which were produced and/or exported by Messingwerk, and an *ad valorem* assessment rate of 22.61 percent to all entries of subject merchandise during the POR which were produced and/or exported by the six aforementioned companies which were not selected for individual examination.

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of review.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of brass sheet and strip from Germany entered, or withdrawn from warehouse, for consumption on or after the date of

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[7] *See Brass Sheet and Strip From The Federal Republic of Germany; Initiation of Antidumping Duty Investigation*, 51 FR 11774 (April 7, 1986).

[8] *See* 19 CFR 351.309(d).

[9] *See* 19 CFR 351.303 (for general filing requirements).

[10] *Id.*

publication, as provided by section 751(a)(2) of the Act: (1) The cash deposit rates for the reviewed companies will be the rates established in the final results of this review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the merchandise; (4) if neither the exporter nor the manufacturer has its own rate, the cash deposit rate will be 7.30 percent.[11] These deposit requirements, when imposed, shall remain in effect until further notice.

Notifications to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: April 6, 2016.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

A. Summary
B. Background
C. Scope of the Order
D. Discussion of the Methodology
  1. Selection of Respondents
  2. No Shipment Claims by Schwermetall, ThyssenKrupp, and Wieland
  3. Use of Facts Otherwise Available
  a. Use of Facts Available
  b. Application of Facts Available With an Adverse Inference
  c. Selection and Corroboration of Information Used As Facts Available
  4. Rate for Companies Not Selected for Individual Examination
E. Recommendation

[FR Doc. 2016–08231 Filed 4–8–16; 8:45 am]

BILLING CODE 3510–DS–P

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[11] *See* Preliminary Decision Memorandum for additional details.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–520–803]

Polyethylene Terephthalate Film, Sheet, and Strip From the United Arab Emirates: Final Results of Antidumping Duty Administrative Review; 2013–2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On December 1, 2015, the Department of Commerce (the Department) published the preliminary results of administrative review of the antidumping duty order on polyethylene terephthalate film (PET Film) from the United Arab Emirates (UAE).[1] This review covers one producer/exporter of subject merchandise, JBF RAK LLC (JBF). Based on our analysis of the comments and information received, we made changes to the *Preliminary Results*, which are discussed below. The final weighted-average dumping margin is listed below in the section titled "Final Results of Review."

DATES: *Effective Date:* April 11, 2016

FOR FURTHER INFORMATION CONTACT: Andrew Huston, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4261.

SUPPLEMENTARY INFORMATION:

Background

On December 1, 2015, the Department published the *Preliminary Results*. On January 11, 2016, the Department received timely-filed case briefs from JBF and DuPont Teijin Films, Mitsubishi Polyester Film, Inc., and SKC, Inc., (collectively, Petitioners).[2] On January 19, 2016, JBF and Petitioners timely filed rebuttal briefs.[3]

Period of Review

The period of review is November 1, 2013 through October 31, 2014.

Scope of the Order

The products covered by the order are all gauges of raw, pre-treated, or primed polyethylene terephthalate film (PET Film), whether extruded or co-extruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer more than 0.00001 inches thick. Also excluded is roller transport cleaning film which has at least one of its surfaces modified by application of 0.5 micrometers of SBR latex. Tracing and drafting film is also excluded. PET Film is classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States (HTSUS). While HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Analysis of Comments Received

All issues raised by parties in the case and rebuttal briefs are addressed in the Memorandum to Ronald Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, "Antidumping Duty Administrative Review of Polyethylene Terephthalate Film, Sheet, and Strip from the United Arab Emirates: Issues and Decision Memorandum for the Final Results" (Decision Memorandum), dated concurrently with, and hereby adopted by, this notice. A list of the issues addressed in the Decision Memorandum is appended to this notice. The Decision Memorandum is a public document and is available electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Services System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov*, and it is available to all parties in the Central Records Unit of the main Commerce Building, room B–8024. In addition, a complete version of the Decision Memorandum is also accessible on the internet at *http://enforcement.trade.gov/frn/index.html.* The signed Decision Memorandum and the electronic versions of the Decision Memorandum are identical in content.

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[1] *See Polyethylene Terephthalate Film, Sheet, and Strip from the United Arab Emirates: Preliminary Results of Antidumping Duty Administrative Review; 2013–2014*, 80 FR 75052 (December 1, 2015) (*Preliminary Results*).

[2] *See* "Polyethylene Terephthalate (PET) Film, Sheet and Strip from the United Arab Emirates (A–520–803); Case Brief of JBF RAK, LLC" dated January 11, 2016 and "Polyethylene Terephthalate (PET) Film, Sheet, and Strip from the United Arab Emirates: Petitioners' Case Brief" dated January 11, 2016.

[3] *See* "Polyethylene Terephthalate (PET) Film, Sheet and Strip from the United Arab Emirates (A–520–803); Rebuttal Brief of JBF RAK, LLC" dated January 19, 2016 and Polyethylene Terephthalate (PET) Film, Sheet, and Strip from the United Arab Emirates: Petitioners' Rebuttal Brief" dated January 19, 2016.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we made adjustments to our margin calculations for JBF for international movement expenses, and errors in the conversion of certain invoice dates.[4] As a result of these adjustments, the Department is now applying the average-to-average comparison methodology for the final results.[5] A complete discussion of these adjustments and changes can be found in the Decision Memorandum.

Final Results of Review

As a result of this review, we determine that the following weighted-average dumping margins exist for the period of November 1, 2013, through October 31, 2014:

Producer or Exporter	Weighted-Average Dumping Margin (percent *ad valorem*)
JBF RAK LLC	4.44

Disclosure

We will disclose to interested parties the calculations performed in connection with these final results within five days of the publication of this notice, consistent with 19 CFR 351.224(b).

Assessment Rates

The Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.[6] The Department intends to issue appropriate assessment instructions directly to CBP 15 days after the date of publication of these final results of review.

For assessment purposes we calculated importer-specific, *ad valorem* assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of those same sales.[7] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act): (1) For the company covered by this review, the cash deposit rate will be equal to the weighted-average dumping margin listed above in the section "Final Results of Review;" (2) for merchandise exported by producers or exporters not covered in this review but covered in a previously completed segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published in the final results for the most recent period in which that producer or exporter participated; (3) if the exporter is not a firm covered in this review or in any previous segment of this proceeding, but the producer is, then the cash deposit rate will be that established for the producer of the merchandise in these final results of review or in the final results for the most recent period in which that producer participated; and (4) if neither the exporter nor the producer is a firm covered in this review or in any previously completed segment of this proceeding, then the cash deposit rate will be 4.05 percent, the all-others rate established in the less than fair value investigation.[8] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification Regarding Administrative Protective Orders

This notice is the only reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification to Interested Parties

We are issuing and publishing these final results and this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h).

Dated: April 4, 2016.

Ronald Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

Issues in the Decision Memorandum

I. Summary
II. Background
III. Discussion of the Issues
  Comment 1: Explanation of Alternative Comparison Methodology
  Comment 2: Alleged SAS Programming Errors
IV. Recommendation

[FR Doc. 2016–08234 Filed 4–8–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Proposed Information Collection; Comment Request; Procedures for Importation of Supplies for Use in Emergency Relief Work

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before June 10, 2016.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

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[4] *See* Decision Memorandum at Comment 3.

[5] *See* Memorandum to Mark Hoadley, "Final Analysis Memorandum for JBF RAK LLC 2013–2014," April 04, 2016.

[6] The Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[7] *See* 19 CFR 351.212(b)(1).

[8] *Id.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Scott D. McBride, Senior Counsel for Trade Remedies and Foreign Trade Zones, Office of the Chief Counsel for Trade Enforcement and Compliance, Room 3622, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–6292; fax: 202–482–4912; *Scott.McBride@trade.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

The regulations (19 CFR 358.101 through 358.104) provide procedures for requesting the Secretary of Commerce to permit the importation of supplies, such as food, clothing, and medical, surgical, and other supplies, for use in emergency relief work free of antidumping and countervailing duties.

Authority: 19 U.S.C. 1318(a). There are no proposed changes to this information collection.

II. Method of Collection

Three copies of the request must be submitted in writing to the Secretary of Commerce, Attention: Import Administration, Central Records Unit, Room 1870, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

III. Data

OMB Control Number: 0625–0256.

Form Number(s): None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1.

Estimated Time per Response: 15 Hours.

Estimated Total Annual Burden Hours: 15 Hours.

Estimated Total Annual Cost to Public: less than $450.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 5, 2016.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2016–08177 Filed 4–8–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–031]

Countervailing Duty Investigation of Certain Iron Mechanical Transfer Drive Components From the People's Republic of China: Preliminary Affirmative Determination and Alignment of Final Determination With Final Antidumping Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain iron mechanical transfer drive components ("ITDCs") from the People's Republic of China ("PRC"). The period of investigation is January 1, 2014, through December 31, 2014. We invite interested parties to comment on this preliminary determination.

DATES: *Effective Date:* April 11, 2016.

FOR FURTHER INFORMATION CONTACT: Brandon Farlander, Robert Galantucci, and Robert Bolling, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–0182, (202) 482–2923, or (202) 482–3434, respectively.

SUPPLEMENTARY INFORMATION:

Scope Comments

In accordance with the preamble to the Department's regulations,[1] we set aside a period of time in our *Initiation Notice* for parties to raise issues regarding product coverage, and we encouraged all parties to submit comments within 20 calendar days of the signature date of that notice.[2]

We received several comments concerning the scope of the antidumping duty ("AD") and CVD investigations of ITDCs from the PRC and Canada. On March 30, 2016, Petitioner filed an amendment to the scope to exclude certain finished torsional vibration dampeners ("TVDs"), as defined in the amended scope.[3] Petitioner also noted that it is considering a potential additional exclusion to the scope to cover certain parts of TVDs.[4] Also, on March 30, 2016, NOK Wuxi notified the Department of its intent to withdraw from participation in this investigation, contingent on the Department's acceptance and inclusion of Petitioner's amendment to the scope.[5] Because Petitioner's proposed scope amendment was filed two days before the due date for the preliminary determination, the Department does not have sufficient time before the fully extended scheduled signature due date of the CVD preliminary determination to consider this proposed amendment to the scope. However, the Department will evaluate the scope comments and intends to issue its preliminary decision regarding the scope of the AD and CVD investigations in the preliminary determination of the companion antidumping investigations, which are due for signature on May 31, 2016.

Scope of the Investigation

The products covered by this investigation are ITDCs from the PRC. For a complete description of the scope of this investigation, *see* Appendix II to this notice.

Methodology

The Department is conducting this countervailing duty ("CVD") investigation in accordance with section 701 of the Tariff Act of 1930, as amended ("the Act"). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.*, a financial contribution by an "authority" that gives rise to a benefit to the recipient, and that the subsidy is specific.[6] For a full description of the methodology underlying our preliminary conclusions, *see* the Preliminary Decision Memorandum.[7] A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic version are identical in content.

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[1] *See Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27323 (May 19, 1997) ("*Preamble*").

[2] *See Certain Iron Mechanical Transfer Drive Components From the People's Republic of China: Initiation of Countervailing Duty Investigation*, 80 FR 73722 (November 25, 2015).

[3] *See* Submission of Petitioner, "Certain Iron Mechanical Transfer Drive Components from Canada and the People's Republic of China: Petitioner's Amendment to the Scope," dated March 30, 2016.

[4] *Id.*

[5] *See* Submission of NOK Wuxi, "Certain Iron Mechanical Transfer Drive Components from the People's Republic of China: Withdrawal from Investigation," dated March 30, 2016.

The Department notes that, in making these findings, we relied, in part, on facts available and, because we find that one or more respondents did not act to the best of their ability to respond to the Department's requests for information, we drew an adverse inference where appropriate in selecting from among the facts otherwise available.[8] For further information, *see* "Use of Facts Otherwise Available and Adverse Inferences" in the Preliminary Decision Memorandum.

Alignment

As noted in the Preliminary Determination Memorandum, based on a request made by the petitioner TB Wood's Incorporated, we are aligning the final CVD investigation in this investigation with the final determination in the companion AD investigation of ITDCs in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4).[9] Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than August 14, 2016, unless postponed.[10]

Preliminary Determination and Suspension of Liquidation[11]

In accordance with section 703(d)(1)(A)(i) of the Act, we calculated an individual estimated countervailable subsidy rate for each exporter/producer of the subject merchandise individually investigated. Additionally, in accordance with sections 703(d) and 705(c)(5)(A) of the Act, for companies not individually investigated, we apply an "all-others" rate, which is normally calculated by weight averaging the subsidy rates of the companies selected for individual investigation by those companies' exports of the subject merchandise to the United States, excluding rates that are zero or *de minimis* or any rates determined entirely on the facts otherwise available. Accordingly, in these preliminary results, we have calculated the "all-others" rate by weight-averaging the calculated subsidy rates of the two individually investigated respondents, using the respondent's publicly-ranged sales data for exports of subject merchandise to the United States.[12] We preliminarily determine the countervailable subsidy rates to be:

Exporter/Producer	Subsidy rate (percent)
NOK (Wuxi) Vibration Control China Co., Ltd., and Wuxi NOK—Freudenberg Oil Seal Co., Ltd.	2.68
Powermach Import & Export Co., Ltd. (Sichuan), Sichuan Dawn Precision Technology Co., Ltd., Sichuan Dawn Foundry Co. Ltd., and Powermach Machinery Co., Ltd.	33.94
Changzhou Baoxin Metallurgy Equipment Manufacturing Co. Ltd.*	166.77
Changzhou Changjiang Gear Co., Ltd.*	166.77
Changzhou Gangyou Lifting Equipment Co., Ltd.*	166.77
Changzhou Juling Foundry Co., Ltd.*	166.77
Changzhou Liangjiu Mechanical Manufacturing Co Ltd.*	166.77
Changzhou New Century Sprocket Group Company*	166.77
Changzhou Xiangjin Precision Machinery Co., Ltd.*	166.77
FIT Bearings*	166.77
Fuzhou Minyue Mechanical & Electrical Co., Ltd.*	166.77
Hangzhou Chinabase Machinery Co., Ltd.*	166.77
Hangzhou Ever Power Transmission Group*	166.77
Hangzhou Vision Chain Transmission Co., Ltd.*	166.77
Hangzhou Xingda Machinery Co., Ltd.*	166.77
Henan Xinda International Trading Co., Ltd.*	166.77
Henan Zhiyuan Machinery Sprocket Co. Ltd.*	166.77
Jiangsu Songlin Automobile Parts Co., Ltd.*	166.77
Martin Sprocket & Gear (Changzhou) Co., Ltd.*	166.77
Ningbo Blue Machines Co., Ltd.*	166.77

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[6] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[7] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, "Decision Memorandum for the Preliminary Affirmative Countervailing Duty Determination in the Countervailing Duty Investigation of Certain Iron Mechanical Transfer Drive Components from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice ("Preliminary Decision Memorandum").

[8] *See* sections 776(a) and (b) of the Act.

[9] *See* Letter from Petitioner, "Certain Iron Mechanical Transfer Drive Components from the People's Republic of China: Petitioner's Request to Align the Countervailing Duty Final Determination with the Companion Antidumping Duty Final Determination," dated March 24, 2016.

[10] We note that the current deadline for the final AD determination is August 14, 2016, which is a Sunday. Pursuant to Department practice, the signature date will be the next business day, which is Monday, August 15, 2016. *See Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[11] As explained in the memorandum from the Acting Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll all administrative deadlines due to the recent closure of the Federal Government. *See* Memorandum to the Record from Ron Lorentzen, Acting A/S for Enforcement & Compliance, regarding "Tolling of Administrative Deadlines As a Result of the Government Closure During Snowstorm Jonas," dated January 27, 2016. All deadlines in this segment of the proceeding have been extended by four business days. The revised deadline for the preliminary determination of this investigation is now April 1, 2016.

[12] *See* Memorandum to the File, "Countervailing Duty Investigation of Certain Iron Mechanical Transfer Drive Components from the People's Republic of China: Preliminary Determination Margin Calculation for All-Others," dated concurrently with this memorandum.

Exporter/Producer	Subsidy rate (percent)
Ningbo Fulong Synchronous Belt Co., Ltd.*	166.77
Ningbo Royu Machinery Co., Ltd.*	166.77
Praxair Surface Technologies*	166.77
Qingdao Dazheng Jin Hao International Trade Co., Ltd.*	166.77
Quanzhou Licheng Xintang Automobile Parts Co., Ltd. ("XTP Auto Parts")*	166.77
Shangyu Shengtai Machinery Co., Ltd.*	166.77
Shenzhen Derui Sourcing Co., Ltd.*	166.77
Shengzhou Shuangdong Machinery Co., Ltd.*	166.77
Shengzhou Xinglong Machinery*	166.77
Sichuan Reach Jiayuan Machinery Co. Ltd.*	166.77
Tran-Auto Industries Co. Ltd.*	166.77
Ubet Machinery*	166.77
All-Others	15.51

*Non-cooperative company to which an adverse facts available rate is being applied. See "Use of Facts Otherwise Available and Adverse Inferences," section in the Preliminary Decision Memorandum.

In accordance with sections 703(d)(1)(B) and (d)(2) of the Act, we are directing U.S. Customs and Border Protection to suspend liquidation of all entries of ITDCs from the PRC as described in the "Scope of the Investigation" that are entered, or withdrawn from warehouse, for consumption on or after the date of the publication of this notice in the **Federal Register**, and to require a cash deposit for such entries of merchandise in the amounts indicated above.

Verification

As provided in section 782(i)(1) of the Act, we intend to verify the information submitted by the respondents prior to making our final determination.

International Trade Commission Notification

In accordance with section 703(f) of the Act, we will notify the International Trade Commission ("ITC") of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Enforcement and Compliance.

In accordance with section 705(b)(2) of the Act, if our final determination is affirmative, the ITC will make its final determination within 45 days after the Department makes its final determination.

Disclosure and Public Comment

The Department intends to disclose to interested parties the calculations performed in connection with this preliminary determination within five days of its public announcement.[13] Interested parties may submit case and rebuttal briefs, as well as request a hearing.[14] For a schedule of the deadlines for filing case briefs, rebuttal briefs, and hearing requests, *see* the Preliminary Decision Memorandum.

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: April 1, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Alignment
IV. Scope Comments
V. Scope of the Investigation
VI. Injury Test
VII. Application of the CVD Law to Imports from the PRC
VIII. Subsidies Valuation
IX. Benchmarks and Interest Rates
X. Use of Facts Otherwise Available and Adverse Inferences
XI. Analysis of Programs
XII. Disclosure and Public Comment
XIII. Conclusion

Appendix II

Scope of the Investigation

The products covered by this investigation are iron mechanical transfer drive components, whether finished or unfinished (*i.e.*, blanks or castings). Subject iron mechanical transfer drive components are in the form of wheels or cylinders with a center bore hole that may have one or more grooves or teeth in their outer circumference that guide or mesh with a flat or ribbed belt or like device and are often referred to as sheaves, pulleys, flywheels, flat pulleys, idlers, conveyer pulleys, synchronous sheaves, and timing pulleys. The products covered by this investigation also include bushings, which are iron mechanical transfer drive components in the form of a cylinder and which fit into the bore holes of other mechanical transfer drive components to lock them into drive shafts by means of elements such as teeth, bolts, or screws.

Iron mechanical transfer drive components subject to this investigation are those not less than 4.00 inches (101 mm) in the maximum nominal outer diameter.

Unfinished iron mechanical transfer drive components (*i.e.*, blanks or castings) possess the approximate shape of the finished iron mechanical transfer drive component and have not yet been machined to final specification after the initial casting, forging or like operations. These machining processes may include cutting, punching, notching, boring, threading, mitering, or chamfering.

Subject merchandise includes iron mechanical transfer drive components as defined above that have been finished or machined in a third country, including but not limited to finishing/machining processes such as cutting, punching, notching, boring, threading, mitering, or chamfering, or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the iron mechanical transfer drive components.

Subject iron mechanical transfer drive components are covered by the scope of the investigation regardless of width, design, or iron type (*e.g.*, gray, white, or ductile iron). Subject iron mechanical transfer drive components are covered by the scope of the investigation regardless of whether they have non-iron attachments or parts and regardless of whether they are entered with other mechanical transfer drive components or as part of a mechanical transfer drive assembly (which typically includes one or more of the iron mechanical transfer drive components identified above, and which may also include other parts such as a belt, coupling and/or shaft). When entered as a mechanical transfer drive assembly, only the iron components that meet the physical description of covered merchandise are covered merchandise, not the other components in the mechanical transfer drive assembly (*e.g.*, belt, coupling, shaft).

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[13] *See* 19 CFR 351.224(b).

[14] *See* 19 CFR 351.309(c)–(d), 19 CFR 351.310(c).

For purposes of this investigation, a covered product is of "iron" where the article has a carbon content of 1.7 percent by weight or above, regardless of the presence and amount of additional alloying elements.

The merchandise covered by this investigation is currently classifiable under Harmonized Tariff Schedule of the United States ("HTSUS") subheadings 8483.30.8090, 8483.50.6000, 8483.50.9040, 8483.50.9080, 8483.90.3000, 8483.90.8080. Covered merchandise may also enter under the following HTSUS subheadings: 7325.10.0080, 7325.99.1000, 7326.19.0010, 7326.19.0080, 8431.31.0040, 8431.31.0060, 8431.39.0010, 8431.39.0050, 8431.39.0070, 8431.39.0080, and 8483.50.4000. These HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of the investigation is dispositive.

[FR Doc. 2016–08235 Filed 4–8–16; 8:45 a.m.]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–890]

Wooden Bedroom Furniture From the People's Republic of China: Final Results and Final Determination of No Shipments, In Part: 2014 Administrative Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On December 14, 2015, the Department of Commerce (the "Department") published the preliminary results of the tenth administrative review ("AR") of the antidumping duty order on wooden bedroom furniture ("WBF") from the People's Republic of China ("PRC"), in accordance with sections 751(a)(1)(B) of the Tariff Act of 1930, as amended ("the Act").[1] The period of review ("POR") is January 1, 2014, through December 31, 2014. The AR covers 18 PRC exporters of subject merchandise, of which the Department selected one company for individual examination, Shanghai Jian Pu Import & Export Co., Ltd. ("Shanghai Jian Pu"). The Department invited interested parties to comment on the *Preliminary Results.* We received comments from the American Furniture Manufactures Committee for Legal Trade and Vaughan-Bassett Furniture Company, Inc. ("Petitioners"). No other party commented. After consideration of Petitioners' comments, our final results remain unchanged from the *Preliminary Results.*

DATES: *Effective Date:* April 11, 2016.

FOR FURTHER INFORMATION CONTACT: Jeff Pedersen, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2769.

SUPPLEMENTARY INFORMATION:

Background

For a complete description of the events that followed the publication of the *Preliminary Results, see* the Issues and Decision Memorandum[2] which is dated concurrently with, and hereby adopted by, this notice.

Scope of the Order

The product covered by the order is wooden bedroom furniture, subject to certain exceptions.[3] Imports of subject merchandise are classified under the Harmonized Tariff Schedule of the United States ("HTSUS") subheadings: 9403.50.9042, 9403.50.9045, 9403.50.9080, 9403.50.9041, 9403.60.8081, 9403.20.0018, 9403.90.8041, 7009.92.1000 or 7009.92.5000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written product description in the *Order* remains dispositive.[4]

Analysis of the Comments Received

The issues raised in Petitioners' case brief are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is appended to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Services System ("ACCESS"). ACCESS is available to registered users at *http://access.trade.gov* and it is available to all parties in the Central Records Unit of the main Department building, room B8024. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/.* The signed Issues and Decision Memorandum and electronic version of the Issues and Decision Memorandum are identical in content.

Separate Rates

In the *Preliminary Results,* the Department determined that seven companies under review, including Shanghai Jian Pu, the sole mandatory respondent, did not establish their eligibility for separate rate status and would be treated as part of the PRC-wide entity.[5] We only received comments on the *Preliminary Results* from Petitioners, which agreed with our preliminary separate rates determination with respect to Shanghai Jian Pu and did not comment on any other entity under review. In these final results of review, we continue to determine that these seven companies should be treated as part of the PRC-wide entity because they have not established their separate rate eligibility. Because no party requested a review of the PRC-wide entity, we are not conducting a review of the PRC-wide entity.[6] Thus, there is no change to the rate for the PRC-wide entity. The existing rate for the PRC-wide entity is 216.01 percent.

Final Determination of No Shipments

In the *Preliminary Results,* we determined that 11 companies subject to this AR had no shipments during the POR.[7] We received no comments

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[1] *See Wooden Bedroom Furniture From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2014,* 80 FR 77321 (December 14, 2015) ("*Preliminary Results*").

[2] *See* the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, "Wooden Bedroom Furniture from the People's Republic of China: Issues and Decision Memorandum for the Final Results of the 2014 Administrative Review" ("Issues and Decision Memorandum").

[3] *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Wooden Bedroom Furniture From the People's Republic of China,* 70 FR 329 (January 4, 2005) ("*Order*").

[4] For a complete description of the scope of the *Order, see* the Issues and Decision Memorandum.

[5] *See Preliminary Results* at 80 FR 7576. The six companies that did not establish their eligibility for a separate rate, other than Shanghai Jian Pu, are: (1) Baigou Crafts Factory of Fengkai; (2) Dongguan Hung Sheng Artware Products Co., Ltd., Coronal Enterprise Co., Ltd.; (3) Hualing Furniture (China) Co., Ltd., Tony House Manufacture (China) Co., Ltd., Buysell Investments Ltd., Tony House Industries Co., Ltd.; (4) Orient International Holding Shanghai Foreign Trade Co., Ltd.; (5) Prime Wood International Co., Ltd, Prime Best International Co., Ltd., Prime Best Factory, Liang Huang (Jiaxing) Enterprise Co., Ltd.; and (6) Woodworth Wooden Industries (Dong Guan) Co., Ltd.

[6] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963, 65969–70 (November 4, 2013).

[7] The 11 companies with no shipments during the POR are: (1) Clearwise Co., Ltd.; (2) Dongguan Chengcheng Furniture Co., Ltd.; (3) Dongguan Singways Furniture Co., Ltd.; (4) Eurosa (Kunshan) Co., Ltd., Eurosa Furniture Co., (Pte) Ltd.; (5) Golden Well International (HK) Ltd.; (6) Hangzhou Cadman Trading Co., Ltd.; (7) Rizhao Sanmu Woodworking Co., Ltd.; (8) Shenyang Shining Dongxing Furniture Co., Ltd.; (9) Wuxi Yushea Furniture Co., Ltd.; (10) Yeh Brothers World Trade

Continued

concerning our finding of no shipments by these 11 companies. In these final results of review, we continue to determine that these 11 companies had no shipments of subject merchandise during the POR.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b), the Department has determined, and U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. The Department intends to issue assessment instructions to CBP 15 days after the publication date of these final results of review. We intend to instruct CBP to liquidate POR entries of subject merchandise from the seven companies, including Shanghai Jian Pu, which failed to establish their eligibility for separate rate status at the rate applicable to the PRC-wide entity. For the 11 companies which the Department determined had no shipments during the POR, all suspended entries under any of those companies' antidumping case numbers will be liquidated at the assessment rate for the PRC-wide entity.[8]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date in the **Federal Register** of the final results of review, as provided by section 751(a)(2)(C) of the Act: (1) For previously investigated or reviewed PRC and non-PRC exporters which are not under review in this segment of the proceeding but which have separate rates, the cash deposit rate will continue to be the existing exporter-specific rate; (2) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, including Shanghai Jian Pu and the six companies noted above, the cash deposit rate will be the rate for the PRC-wide entity, which is 216.01 percent; (3) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

These final results of review are issued and published in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.213.

Dated: April 1, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

Summary
Background
Scope of the Order
Discussion of the Issues
Comment 1: Treatment of Shanghai Jian Pu Import & Export Co. Ltd.
Recommendation

[FR Doc. 2016–08233 Filed 4–8–16; 8:45 am]

BILLING CODE 3510–DS–P

Inc.; and (11) Zhejiang Tianyi Scientific & Educational Equipment Co., Ltd.

[8] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE552

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit application submitted by The Nature Conservancy contains all of the required information and warrants further consideration. This Exempted Fishing Permit would allow participants to use electronic monitoring systems in lieu of at-sea monitors in support of a study to develop electronic monitoring for the purposes of catch monitoring in the groundfish fishery.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

DATES: Comments must be received on or before April 26, 2016.

ADDRESSES: You may submit written comments by any of the following methods:

- Email: *nmfs.gar.efp@noaa.gov.* Include in the subject line "TNC EM EFP."
- Mail: John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope "TNC EM EFP."

FOR FURTHER INFORMATION CONTACT: Brett Alger, Groundfish Sector Policy Analyst, 978–675–2153.

SUPPLEMENTARY INFORMATION: In 2010, NMFS implemented Amendment 16 to the Northeast (NE) Multispecies Fishery Management Plan (FMP), which revised and expanded the sector management system and established annual catch limits and accountability measures for each stock in the fishery. In order to reliably estimate sector catch and monitor sector operations, Amendment 16 included new requirements for groundfish sectors to implement and fund an at-sea monitoring (ASM) program. Amendment 16 also included a provision that allows electronic monitoring (EM) to be used to satisfy this monitoring requirement, provided NMFS deems the technology sufficient for the purposes of catch accounting. There are likely different visions for what an EM system entails, but generally EM incorporates video cameras, sensors, and electronic reporting systems into a vessel's fishing operations. Depending on the program design, EM has the potential to reduce the expenses associated with monitoring groundfish sectors, and, at the same time, increase accountability and monitoring in the fishery. However, moving away from human observers has its trade-offs; the types and quality of data can be different between EM and ASMs. Simply stated, EM may be a suitable replacement to ASM, provided EM has the ability to identify species, and verify weights and counts of discards in the groundfish fishery.

For the groundfish fishery, the program designs being considered are the "audit model" and the "maximized retention model." The audit model would use EM to verify discards reported by a captain on a vessel trip report. Under the maximized retention model, vessels would be required to retain most fish species (*e.g.,* allocated groundfish stocks), be allowed to discard others (*e.g.,* protected species), and EM would be used to ensure compliance with discarding regulations. NMFS has not yet approved EM as a suitable alternative to ASM for the groundfish fishery. However, there have been several efforts in recent years to develop EM as a monitoring tool in the fishery.

NMFS has been collaborating with The Nature Conservancy (TNC), the Gulf of Maine Research Institute, the Maine Coast Fishermen's Association, the Cape Cod Commercial Fishermen's Alliance, and Ecotrust Canada to implement a program that uses EM for monitoring in the groundfish fishery. NMFS has been building database infrastructure and processing tools for data collected from EM video footage, conducting comparative analysis to the existing catch monitoring systems in the fishery, and addressing additional legal and logistical hurdles. However, there are some challenges that remain that will require additional EM data and analysis to resolve. For example, an EM program must specify how much video needs to be reviewed to satisfy the monitoring objectives, and best practices need to be developed for species that are difficult to identify using EM.

To further examine these issues and develop EM, TNC submitted a complete application for an EFP on March 17, 2016, to enable data collection activities and catch monitoring that the regulations on commercial fishing would otherwise restrict. The EFP would support an EM study intended to improve the functionality of EM systems, optimize fish handling protocols by participating fishermen, and continue development of EM as a monitoring tool for the groundfish fishery. Results of this study would be used to inform the approval and implementation of EM in the fishery.

The EFP would exempt participating vessels from adhering to its sector's monitoring plan, which requires the deployment of ASMs on sector trips selected for ASM coverage. While participating in the EM study, vessels would use EM to replace ASMs when selected for ASM coverage. EM would not replace Northeast Fishery Observer Program (NEFOP) observers. Approximately 20 sector vessels would participate in this project, including participants from the Georges Bank Cod Fixed Gear Sector, the Maine Coast Community Sector, the Northeast Fishery Sector 11, and possibly additional sectors as well.

Under the EFP, vessels would declare sector trips in the Pre-Trip Notification System, as required by the FMP. However, if selected for ASM coverage, the vessel would be issued an ASM waiver and instead be required to turn on the EM system for the entire fishing trip. If selected for NEFOP coverage, the vessel would fish with a NEFOP observer and would also turn on the EM system for the entire trip. A third-party provider would review 100 percent of the video from each EM trip, and NMFS would audit the provider(s) to verify the accuracy of the EM data collected. For sector monitoring, NMFS uses a combination of the discard data collected from NEFOP observers and ASMs to estimate discards. For vessels participating in this EFP, NMFS would use the EM data collected in place of the ASM data. All other catch monitoring under the EFP would be consistent with standard sector monitoring, such as using dealer-reported landings and vessel trip reports.

Across all participants, TNC expects approximately 900 total trips throughout the 2016 fishing year. If the target observer coverage was set at 14 percent, as proposed in Framework Adjustment 55 to the NE Multispecies FMP, this would result in approximately 126 EM trips. Some of these trips would have a NEFOP observer onboard as well.

All catch of groundfish stocks allocated to sectors by vessels would be deducted from the sector's annual catch entitlement for each NE multispecies stock. Legal-sized regulated groundfish would be retained and landed, as required by the FMP. Undersized groundfish would be handled according to the EM project guidelines in view of cameras and returned to the sea as quickly as possible. All other species would be handled per normal commercial fishing operations. No legal-size regulated groundfish would be discarded, unless otherwise permitted through regulatory exemptions granted to the participating vessel's sector.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 6, 2016.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2016–08256 Filed 4–8–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE536

Marine Fisheries Advisory Committee Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of open public meeting.

SUMMARY: This notice sets forth the proposed schedule and agenda of a forthcoming meeting of the Marine Fisheries Advisory Committee (MAFAC). The members will discuss and provide advice on issues outlined under **SUPPLEMENTARY INFORMATION** below.

DATES: The meeting will be held April 25–27, 2016, from 8:30 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Hotel Monaco Portland, 506 SW. Washington Street, Portland, OR 97204; 503–222–0001.

FOR FURTHER INFORMATION CONTACT: Jennifer Lukens, MAFAC Executive Director; (301) 427–8004; email: *Jennifer.Lukens@noaa.gov.*

SUPPLEMENTARY INFORMATION: As required by section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, notice is hereby given of a meeting of MAFAC. The MAFAC was established by the Secretary of Commerce (Secretary), and, since 1971, advises the Secretary on all living marine resource matters that are the responsibility of the Department of Commerce. The complete charter and summaries of prior meetings are located online at *http://www.nmfs.noaa.gov/ocs/mafac/.*

Matters To Be Considered

This meeting time and agenda are subject to change.

The meeting is convened to hear presentations and discuss policies and guidance on the following topics: Proposed Columbia Basin Partnership Task Force, hatchery genetic management plans, draft National Bycatch Reduction Strategy, fishing community and coastal resilience, and strategic planning. The meeting will include updates on electronic monitoring on the west coast, recreational fishing regional implementation plans, and the budget outlook for FY2016–2017; discussion of various MAFAC administrative and organizational matters; and may include meetings of standing subcommittees and working groups.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Heidi Lovett; 301–427–8034 by April 15, 2016.

Dated: April 5, 2016.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2016–08221 Filed 4–8–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Atlantic Highly Migratory Species Recreational Landings and Bluefin Tuna Catch Reports.

OMB Control Number: 0648–0328.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 13,402.

Average Hours per Response: 5 minutes for an initial call-in or internet report; 5 minutes for a confirmation call; 10 minutes for a landing card; 1 hour for a weekly or biweekly state report; and 4 hours for an annual state report.

Burden Hours: 1,586.

Needs and Uses: This request is for extension of a currently approved information collection.

Catch reporting from recreational and commercial hand-gear fisheries provides important data used to monitor catches of Atlantic highly migratory species (HMS) and supplements other existing data collection programs. Data collected through this program are used for both domestic and international fisheries management and stock assessment purposes.

Atlantic bluefin tuna (BFT) catch reporting provides real-time catch information used to monitor the BFT fishery. Under the Atlantic Tunas Convention Act of 1975 (ATCA, 16 U.S.C. 971), the United States is required to adopt regulations, as necessary and appropriate, to implement recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT), including recommendations on a specified BFT quota. BFT catch reporting helps the U.S. monitor this quota and supports scientific research consistent with ATCA and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.*). Recreational anglers and commercial hand-gear fishermen are required to report specific information regarding their catch of BFT.

Atlantic billfish and swordfish are managed internationally by ICCAT and nationally under ATCA and the Magnuson-Stevens Act. This collection provides information needed to monitor the recreational catch of Atlantic blue and white marlin, which is applied to the recreational limit established by ICCAT, and the recreational catch of North Atlantic swordfish, which is applied to the U.S. quota established by ICCAT. This collection also provides information on recreational landings of West Atlantic sailfish which is unavailable from other established monitoring programs. Collection of sailfish catch information is authorized under the Magnuson-Stevens Act for purposes of stock management.

Affected Public: Individuals or households; business or other for-profit organizations.

Frequency: Daily, biweekly, monthly, annual.

Respondent's Obligation: Mandatory.

This information collection request may be viewed at reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: April 5, 2016.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2016–08165 Filed 4–8–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of State Coastal Management Programs and National Estuarine Research Reserves

AGENCY: Office for Coastal Management (OCM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management will hold two separate public meetings to solicit comments on the performance evaluation of the Oregon Coastal Management Program and the Narragansett Bay National Estuarine Research Reserve. Notice is also hereby given of the availability of the final evaluation findings for Maryland, Puerto Rico and Ohio Coastal Management Programs.

DATES: *Oregon Coastal Management Program Evaluation:* The public meeting will be held on May 24, 2016, and written comments must be received on or before June 10, 2016.

Narragansett Bay National Estuarine Research Reserve Evaluation: The public meeting will be held on June 28, 2016, and written comments must be received on or before July 15, 2016.

For specific dates, times, and locations of the public meetings, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: You may submit comments on the program or reserve NOAA intends to evaluate by any of the following methods:

Public Meeting and Oral Comments: Public meetings will be held in Newport, Oregon and Bristol, Rhode Island. For specific locations, see **SUPPLEMENTARY INFORMATION**.

Written Comments: Please direct written comments to Carrie Hall, Evaluator, Planning and Performance Measurement Program, Office for Coastal Management, NOS/NOAA, 1305 East-West Highway, 11th Floor, N/OCM1, Silver Spring, Maryland 20910, or email comments *Carrie.Hall@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Carrie Hall, Evaluator, Planning and Performance Measurement Program, Office for Coastal Management, NOS/NOAA, 1305 East-West Highway, 11th Floor, N/OCM1, Silver Spring, Maryland 20910, or *Carrie.Hall@noaa.gov.* Copies of the final evaluation findings and related material (including past performance reports and notices prepared by NOAA's Office for Coastal Management) may be obtained upon written request by contacting the person identified under **FOR FURTHER INFORMATION CONTACT**. Copies of the final evaluation findings may also be downloaded or viewed on the Internet at *http://coast.noaa.gov/czm/evaluations/evaluation_findings/index.html.*

SUPPLEMENTARY INFORMATION: Sections 312 and 315 of the Coastal Zone Management Act (CZMA) require NOAA to conduct periodic evaluations of federally approved state and territorial coastal programs and national estuarine research reserves. The process includes a public meeting, consideration of written public comments and consultations with interested Federal, state, and local agencies and members of the public. During the evaluation, NOAA will consider the extent to which the state has met the national objectives, adhered to the final management plan approved by the Secretary of Commerce, and adhered to the terms of financial assistance under the CZMA. When the evaluation is completed, NOAA's Office for Coastal Management will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

Specific information on the periodic evaluation of the state and territorial coastal programs and reserves that are the subject of this notice are detailed below as follows:

Oregon Coastal Management Program Evaluation

You may participate or submit oral comments at the public meeting scheduled as follows:

Date: May 24, 2016.

Time: 5:30 p.m., local time.

Location: Best Western Agate Beach Inn, Cove Room, 3019 North Coast Highway, Newport, Oregon 97365.

Written public comments must be received on or before June 10, 2016.

Narragansett Bay National Estuarine Research Reserve Evaluation

You may participate or submit oral comments at the public meeting scheduled as follows:

Date: June 28, 2016.

Time: 6:00 p.m., local time.

Location: Audubon Society of Rhode Island, Environmental Education Center, 1401 Hope Street, Bristol, Rhode Island 02890.

Written comments must be received on or before July 15, 2016.

Availability of Final Evaluation Findings of Other State and Territorial Coastal Programs

The NOAA Office for Coastal Management has completed review of the Coastal Zone Management Program evaluations for the states of Maryland and Ohio, and the Commonwealth of Puerto Rico. Both states and territory were found to be implementing and enforcing their federally approved coastal management programs, addressing the national coastal management objectives identified in CZMA Section 303(2)(A)–(K), and adhering to the programmatic terms of their financial assistance awards. Copies of these final evaluation findings may be downloaded at *http://coast.noaa.gov/czm/evaluations/evaluation_findings/index.html* or by submitting a written request to the person identified under **FOR FURTHER INFORMATION CONTACT**.

John King,

Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration.

[FR Doc. 2016–08207 Filed 4–8–16; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD224

Marine Mammals; File No. 18537

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of permit amendment.

SUMMARY: Notice is hereby given that a major amendment to Permit No. 18537 has been issued to the Alaska Department of Fish and Game (ADF&G), Division of Wildlife Conservation, Juneau, AK [Responsible Party: Robert Small, Ph.D.].

ADDRESSES: The permit amendment and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Rosa L. González or Amy Sloan, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On February 8, 2016, notice was published in the **Federal Register** (81 FR 6508) that a request for an amendment Permit No. 18537 to conduct research on pinnipeds had been submitted by the above-named applicant. The requested permit amendment has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The original permit (No. 18537), issued on August 8, 2014 (79 FR 19578), authorized ADF&G to take Steller sea lions (*Eumetopias jubatus*) during aerial, vessel, and ground surveys in support of the long-term Steller sea lion research program. It also authorized incidental disturbance of California sea lions (*Zalophus californianus*), and northern fur (*Callorhinus ursinus*), harbor (*Phoca vitulina*), spotted (*Phoca largha*), ribbon (*Histriophoca fasciata*), ringed (*Phoca hispida hispida*), and bearded (*Erignathus barbatus*) seals during research activities; and, annual unintentional mortality of 5 Steller sea lions from the Western Distinct Population Segment (wDPS) and 10 Steller sea lions from the Eastern DPS through August 31, 2019.

Permit No. 18537–01 authorizes an increase in the number of California and Steller (wDPS) sea lions taken during aerial surveys from 4,725 to 10,000, and from 48,000 to 75,000, respectively; and an increase in the volume on a single blood draw from Steller sea lions from up to 1ml/kg to up to 4ml/kg.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), NMFS determined that the activities proposed are consistent with the Preferred Alternative in the 2007 Final Programmatic Environmental Impact Statement (PEIS) for Steller Sea Lion and Northern Fur Seal Research, and the 2014 Environmental Assessment for Issuance of Permits to take Steller Sea Lions by harassment during surveys using unmanned aerial systems that analyzed the effects of UAS, which were not considered in the initial PEIS; and that issuance of the permit would not have a significant adverse impact on the human environment.

As required by the ESA, issuance of this permit was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: April 5, 2016.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2016–08169 Filed 4–8–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Economic Survey of Gulf of Mexico Dealers Associated With the Gulf of Mexico Grouper-Tilefish Individual Fishing Quota Program.

OMB Control Number: 0648–xxxx.

Form Number(s): None.

Type of Request: Regular (request for a new information collection).

Number of Respondents: 200.

Average Hours per Response: 1 hour.

Burden Hours: 200.

Needs and Uses: This request is for a new information collection.

The National Marine Fisheries Service (NMFS) proposes to collect economic and attitudinal data from reef fish dealers regarding the performance of the GOM Grouper-Tilefish IFQ Program five years after its implementation. These data will be used to estimate the effects of the GT–IFQ Program on these stakeholders for the five-year program review mandated by the Magnuson-Stevens Fishery Conservation and Management Act (U.S.C. 1801 *et seq*). The population targeted by the economic survey is all federally licensed dealers that participate in the GOM reef fish fishery. In addition, the information will be used to strengthen and improve fishery management decision-making, and satisfy legal mandates under Executive Order 12866, the Regulatory Flexibility Act, the Endangered Species Act, the National Environmental Policy Act and other pertinent statues.

Affected Public: Business or other for-profit organizations.

Frequency: Once.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: April 5, 2016.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2016–08166 Filed 4–8–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE561

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit application contains all of the required information and warrants further consideration. The Exempted Fishing Permit would allow commercial fishing vessels to fish outside of the limited access scallop regulations in support of research conducted by the Coonamessett Farm Foundation. These exemptions are in support of research conducted on trips to test gear modifications for bycatch reduction in the scallop dredge fishery.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

DATES: Comments must be received on or before April 26, 2016

ADDRESSES: You may submit written comments by any of the following methods:

- Email: *nmfs.gar.efp@noaa.gov.* Include in the subject line "CFF Compensation Fishing Gear Research EFP."
- Mail: John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on CFF Compensation Fishing Gear Research EFP."
- Fax: (978) 281–9135.

FOR FURTHER INFORMATION CONTACT: Shannah Jaburek, Fisheries Management Specialist, 978–282–8456.

SUPPLEMENTARY INFORMATION: Coonamessett Farm Foundation (CFF) submitted a complete application for an Exempted Fishing Permit (EFP) on March 15, 2016, that would allow gear research to be conducted on vessels fishing under compensation fishing trips associated with five 2016 Scallop

Research Set-Aside (RSA) projects submitted by the Coonamessett Farm Foundation that have been favorably reviewed. The exemptions would allow six commercial fishing vessels to exceed the crew size regulations at 50 CFR 648.51(c) in order to place a researcher on the vessel, and temporarily exempt the participating vessels from possession limits and minimum size requirements specified in 50 CFR part 648, subsections B and D through O, for sampling purposes only. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited, including landing fish in excess of a possession limit or below the minimum size.

Experimental fishing activity would test gear modifications in an attempt to reduce finfish bycatch in the dredge fishery. The gear modifications that would be tested adhere to current scallop gear regulations and include: A no-chaffing gear dredge bag; a five-row apron without chaffing gear and a 1.5:1 twine top hanging ratio; and a "daylight skirt," which would replace the rings in the skirt with three rows of 12-inch (30.48-cm) square mesh and chain. All trips would take place in scallop fishing areas open to the entire Atlantic sea scallop fishery.

Exemption from crew size limits is needed because a research technician would accompany vessels on the compensation fishing trips to collect catch data associated with different dredge modifications. The crew size exemption would be for approximately 40 days-at-sea and must be used in conjunction with a valid compensation fishing letter of authorization. The additional crew would only engage in data collection activities, and would not process catch to be landed for sale. Exemption from possession limit and minimum sizes would support catch sampling activities, and ensure the vessel is not in conflict with possession regulations while collecting catch data. All catch above a possession limit or below a minimum size would be discarded as soon as practicable following data collection.

For all trips, scallop catch would be evaluated by the number of baskets caught and a total catch weight would be obtained by the researcher. Total weight of bycatch species and individual measurements to the nearest centimeter would also be obtained by the researcher. If the volume of the catch is large, subsampling protocols would be necessary. All bycatch would be returned to the sea as soon as practicable following data collection.

All research trips would otherwise be consistent with normal commercial fishing activity and catch would be retained for sale.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 6, 2016.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2016–08257 Filed 4–8–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2015–HQ–0035]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by May 11, 2016.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: Exchange Security Clearance Process for Contractor/Vendor Personnel; Exchange Form 3900–013 "Electronic Questionnaires for Investigations Processing (e-QIP) Request," Exchange Form 3900–002 "Trusted Associate Sponsorship System (TASS Request Form)," Exchange Form 3900–006 "Background Check for Vendors/Contractors;" OMB Control Number 0702–XXXX.

Type of Request: Existing collection in use without an OMB Control Number.

Number of Respondents: 2300.

Responses per Respondent: 1.

Annual Responses: 2300.

Average Burden per Response: 120 minutes.

Annual Burden Hours: 4600.

Needs and Uses: The information collection requirement is necessary for the processing of all Army and Air Force Exchange security clearance actions, to record security clearances issued or denied, and to verify eligibility for access to classified information or assignment to a sensitive position.

Affected Public: Individuals or households; business or other for-profit.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Ms. Jasmeet Seehra.

Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at *Oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Frederick Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at WHS/ESD Directives Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Dated: April 6, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–08246 Filed 4–8–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2016–OS–0034]

Proposed Collection; Comment Request

AGENCY: Defense Finance and Accounting Service (DFAS), DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the DFAS announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by June 10, 2016.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Mail: ODCMO, Directorate for Oversight and Compliance, 4800 Mark Center Drive, ATTN: Mailbox 24, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Finance and Accounting Service; Office of Financial Operations; Retired and Annuitant Pay External Communications Division, ATTN: Chuck Moss, Cleveland, OH 44199–2001, or call at (216) 204–4426.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Survivor Benefit Plan/Retired Serviceman's Family Protection Plan Premium Bill; DFAS Form 1741/142; OMB Control Number 0730–TBD.

Needs and Uses: The information collection requirement is necessary to identify military retirees and/or their representatives and credit the remittance paid to their account.

Affected Public: Individuals and households

Annual Burden Hours: 198,867

Number of Respondents: 66,289

Responses per Respondent: 12

Annual Responses: 795,468

Average Burden per Response: 15 minutes

Frequency: Monthly

Respondents are military retirees who are in a suspended pay status but directly remit money to pay for their monthly Survivor Benefit Plan/Retired Serviceman's Family Protection Plan premiums.

Dated: April 6, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–08212 Filed 4–8–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2013–OS–0071]

Proposed Collection; Comment Request

AGENCY: Defense Finance and Accounting Service (DFAS), DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the DFAS announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by June 10, 2016.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* ODCMO, Directorate for Oversight and Compliance, 4800 Mark Center Drive, ATTN: Mailbox 24, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Finance and Accounting Service—Cleveland, 1240 East Ninth Street, ATTN: JFBB—Mr. Charles Moss, Room 1569, Cleveland, OH 44199 or phone at 216 204–4426.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Physician Certificate for Child Annuitant; DD Form 2828; OMB Control Number 0730–0011.

Needs and Uses: The information collection requirement is necessary to support an incapacitation occurring prior to age 18. The form provides the authority for the DFAS to establish and pay a Retired Serviceman's Family Protection Plan (RSFPP) or Survivor Benefit Plan (SBP) annuity to the incapacitated individual.

Affected Public: Individuals and households.

Annual Burden Hours: 480 hours.

Number of Respondents: 240.

Responses per Respondent: 1.

Annual Responses: 240.

Average Burden per Response: 2 hours.

Frequency: On occasion.

The form will be used by the DFAS in order to establish and start the annuity for a potential child annuitant. When the form is completed, it will serve as a medical report to substantiate a child's incapacity. The law requires that an unmarried child who is incapacitated must provide a current certified medical report. When the incapacity is not permanent a medical certification must be received by DFAS every two years in order for the child to continue receiving annuity payments.

Dated: April 6, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–08206 Filed 4–8–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Charter Renewal of Department of Defense Federal Advisory Committees

AGENCY: Department of Defense.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that it is renewing the charter for the Ocean Research Advisory Panel (“the Panel”).

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: This committee's charter is being established in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR 102–3.50(d). The Panel's charter and contact information for the Panel's Designated Federal Officer (DFO) can be obtained at *http://www.facadatabase.gov/*. The Panel provides independent scientific advice and recommendations to the National Ocean Research Leadership Council (“the Council”). The Council operates as the National Ocean Council (NOC) as directed by Executive Order 13547. The NOC Deputy-level Committee (“the Committee”) has assumed the statutory responsibilities of the Council. Pursuant to 10 U.S.C. 7903(a), the Panel shall consist of not less than 10 and not more than 18 members, representing the following: (a) One member who will represent the National Academy of Sciences; (b) One member who will represent the National Academy of Engineering; (c) One member who will represent the Institute of Medicine; (d) Members selected from among individuals who will represent the views on ocean industries, State Governments, academia, and such other views as the Chairs of the Committee consider appropriate; (e) Members selected from individuals who are eminent in the fields of marine science, marine policy, or related fields. Members who are not full-time or permanent part-time Federal officers or employees will be appointed as experts or consultants pursuant to 5 U.S.C. 3109 to serve as special government employee members. Members who are full-time or permanent part-time Federal officers or employees will be appointed pursuant to 41 CFR 102–3.130(a) to serve as regular government employee members. All members are appointed to provide advice on behalf of the Government on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. Except for reimbursement of official Panel-related travel and per diem, members serve without compensation. The DoD, as necessary and consistent with the Panel's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Panel, and all subcommittees must operate under the provisions of FACA and the Government in the Sunshine Act. Subcommittees will not work independently of the Panel and must report all their recommendations and advice solely to the Panel for full deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Panel. No subcommittee or any of its members can update or report, verbally or in writing, directly to the DoD or any Federal officers or employees. The Panel's DFO, pursuant to DoD policy, must be a full-time or permanent part-time DoD employee, and must be in attendance for the duration of each and every Panel/subcommittee meeting. The public or interested organizations may submit written statements to the Panel membership about the Panel's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Panel. All written statements shall be submitted to the DFO for the Panel, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: April 6, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–08200 Filed 4–8–16; 8:45 am]

BILLING CODE 5001–06–P

ELECTION ASSISTANCE COMMISSION

Sunshine Act Meeting

AGENCY: U.S. Election Assistance Commission.

ACTION: Notice of Public Hearing Agenda.

DATE AND TIME: Wednesday, April 27, (10:30 a.m.–12:30 p.m.–EDT).

PLACE: Suffolk University Law School, 120 Tremont Street; Sergeant Function Hall 1st Floor; Boston, MA 02108, Phone: (617) 573–8000.

AGENDA: EAC will hold a public hearing to receive testimony from election administrators and voters with disabilities about accessible voting and the progress made since passage of the Help America Vote Act of 2002 (HAVA). The objective of the hearing is to hear from voters with disabilities regarding their voting experiences, highlight EAC resources, and help election officials prepare for the 2016 elections. The hearing will include testimony from two panels: (1) Election administrators, and (2) advocates and voters with disabilities.

PARTICIPATION: In advance of the hearing, voters with disabilities are encouraged to share their experiences with accessible voting with the EAC. You may submit your written testimony to the EAC to be included as part of the transcript. Please email: *listen@eac.gov* and place “testimony” in the subject line.

THIS HEARING WILL BE OPEN TO THE PUBLIC

PERSON TO CONTACT FOR INFORMATION: Bryan Whitener, Telephone: (301) 563–3961.

Bryan Whitener,

Director of Communications and Clearinghouse, U.S. Election Assistance Commission.

[FR Doc. 2016–08398 Filed 4–7–16; 4:15 pm]

BILLING CODE 6820–KF–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Proposed Agency Information Collection

AGENCY: Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy.

ACTION: Notice and request for OMB review and comment.

SUMMARY: The Department of Energy (DOE) has submitted to the Office of

Management and Budget (OMB) for clearance a proposal for collection of information under the provisions of the Paperwork Reduction Act of 1995. The proposed collection in support of the DOE's Small Business Vouchers (SBV) pilot will gather quantitative estimates of the pilot's impacts as well as capture implementation lessons learned. The information is needed to assess the impacts of the SBV Pilot, documenting that the investment is producing the expected results, and to determine ways to improve the pilot should it be expanded in scope.

The SBV Pilot is a funding mechanism structured to allow small businesses engaged in the renewable energy and energy efficiency sectors to collaborate with researchers at the DOE National Laboratories and to take advantage of the resources at the Labs that assist small businesses in proceeding through commercialization challenges. Respondents will include small businesses participating in the pilot as well a comparison group of small businesses outside of the SBV Pilot.

DATES: Comments regarding this collection must be received on or before May 11, 2016. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the DOE Desk Officer at OMB of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202–395–4718.

ADDRESSES: Written comments should be sent to the

DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW., Washington, DC 20503.

And to

Jeff Dowd,
By email to: *Jeff.Dowd@ee.doe.gov.*
Or by mail to: Jeff Dowd, US Department of Energy, EE–61P, 1000 Independence Ave. SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Jeff Dowd, *Jeff.Dowd@ee.doe.gov.* Requests may also be mailed to Jeff Dowd, US Department of Energy, EE–61P, 1000 Independence Ave. SW., Washington, DC 20585. Calls may be directed to Jeff Dowd at (202) 586–7258.

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) OMB No. "New"; (2) Information Collection Request Title: Small Business Vouchers: Web-survey of Participating and Nonparticipating Small Businesses for DOE's Small Business Vouchers Pilot; (3) Type of Request: New collection; (4) Purpose: To evaluate the effectiveness and impacts of DOE's Small Business Vouchers (SBV) pilot program, to capture lessons learned, and make recommendations; The information collection will be through a web based survey, allowing participating SBV firms and the comparison firms to answer questions at a time most convenient for them. The web survey will consist of two full-length surveys, the first conducted once after the first year of vouchers has been completed (*i.e.*, the second year of the pilot) and the second once five years after the pilot began, and one abbreviated survey administered twice in the interim years (pilot years three and four). The information collection assumes there will be approximately 100 participating SBV firms in the first year of the program (vouchers awarded in 2016) and assumes there will be comparable levels of funding and participating SBV firms in 2017 and 2018. The first full-length survey (30 minutes in length for about 70 SBV participants and about 70 comparison firms) will stress questions about the application, selection, work agreement and completion processes and also ask about commercialization progress and other outcomes. The survey in year five (30 minutes in length) will ask about 300 firms participating in SBV from Years 1–3 and about 100 comparison firms about interest in continuing to engage with the national Laboratories, but will concentrate on commercialization and other outcomes and how much the DOE program contributed to the outcomes. The abbreviated, interim-year surveys will be 15 minutes in length and will provide status updates on SBV pilot impacts such as commercialization and other outcomes. The purpose of also surveying small business firms that have an interest in working with the National Laboratories but have not participated in SBV is to investigate similarities and differences in the two small business groups. The data collected in the year five survey will also be used to perform a benefit-cost calculation and benchmark comparison of voucher firms to firms in the DOE Small Business Innovation Research (SBIR) program, based on existing SBIR data; (5) Annual Estimated Number of Respondents: Pilot Year 2 Survey: 140; Pilot Year 3 Survey: 200; Pilot Year 4 Survey: 300; Pilot Year 5 Survey: 400 ; (6) Annual Estimated Number of Total Responses: Pilot Year 2 Survey: 140; Pilot Year 3 Survey: 200; Pilot Year 4 Survey: 300; Pilot Year 5 Survey: 400; (7) Annual Estimated Number of Burden Hours: Pilot Year 2 Survey: 70; Pilot Year 3 Survey: 50; Pilot Year 4 Survey: 75; Pilot Year 5 Survey: 200; (8) Annual Estimated Reporting and Recordkeeping Cost Burden: Pilot Year 2 Survey: $0; Pilot Year 5 Survey: $0; Pilot Year 3 and 4 Survey: $0.

Statutory Authority: DOE Org Act (42 U.S.C. 7101, *et seq.*) and 42 U.S.C. 16191 (AMO authority).

Issued in Washington, DC on *April 5, 2016.*

Jeff Dowd,

Office of Energy Efficiency and Renewable Energy, Department of Energy.

[FR Doc. 2016–08226 Filed 4–8–16; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2015–0828; FRL 9944–76–OW]

Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges From Construction Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice and request for public comment.

SUMMARY: All 10 EPA Regions are proposing for public comment on the draft 2017 National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges from construction activities, also referred to as the "2017 Construction General Permit (CGP)" or the "draft permit." The draft permit, once finalized, will replace the existing general permit covering stormwater discharges from construction activities that will expire on February 16, 2017. EPA proposes to issue this permit for five (5) years, and to provide permit coverage to eligible operators in all areas of the country where EPA is the NPDES permitting authority, including Idaho, Massachusetts, New Hampshire, and New Mexico, Indian country lands, Puerto Rico, the District of Columbia, and most U.S. territories and protectorates. EPA seeks comment on the draft permit and on the accompanying fact sheet, which contains supporting documentation. This **Federal Register** document describes the draft permit in general and also includes specific topics on which the Agency is particularly seeking comment. EPA encourages the public to read the fact sheet to better understand the draft permit. The fact sheet and draft

permit can be found at *https://www.epa.gov/npdes/stormwater-discharges-construction-activities.*

DATES: Comments on the draft permit must be received on or before May 26, 2016.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2015–0828 to the *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: For further information on the draft permit, contact the appropriate EPA Regional office listed in Section I.F of this action, or Emily Halter, EPA Headquarters, Office of Water, Office of Wastewater Management; telephone number: 202–564–3324; email address: *halter.emily@epa.gov.*

SUPPLEMENTARY INFORMATION: This section is organized as follows:

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I. General Information

A. Does this action apply to me?

1. Entities Covered by this Permit

This draft permit covers the following entities, as categorized in the North American Industry Classification System (NAICS):

TABLE 1—ENTITIES COVERED BY THIS DRAFT PERMIT

Category	Examples of affected entities	North American Industry Classification System (NAICS) Code
Industry	Construction site operators disturbing 1 or more acres of land, or less than 1 acre but part of a larger common plan of development or sale if the larger common plan will ultimately disturb 1 acre or more, and performing the following activities:	
	Construction of Buildings	236
	Heavy and Civil Engineering Construction	237

EPA does not intend the preceding table to be exhaustive, but provides it as a guide for readers regarding the types of activities that EPA is now aware of that could potentially be affected by this action. Other types of entities not listed in the table could also be affected. To determine whether your site is covered by this action, you should carefully examine the definition of "construction activity" and "small construction activity" in existing EPA regulations at 40 CFR 122.26(b)(14)(x) and 122.26(b)(15), respectively. If you have questions regarding the applicability of this action to a particular entity, consult one of the persons listed for technical information in the preceding **FOR FURTHER INFORMATION CONTACT** section.

2. Construction Projects for Which Operators are Eligible for Permit Coverage

Coverage under this permit is available to operators of eligible projects located in those areas where EPA is the permitting authority. A list of eligible areas is included in Appendix B of the draft permit. Eligibility for permit coverage is limited to operators of "new sites," operators of "existing sites," "new operators of new or existing sites," and operators of "emergency-related projects." A "new site" is a site where construction activities commenced on or after February 16, 2017. An "existing site" is a site where construction activities commenced prior to February 16, 2017. A "new operator of a new or existing site" is an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction site. An "emergency-related project" is a project initiated in response to a public emergency (*e.g.*, mud slides, earthquake, extreme flooding conditions, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish public services.

3. Geographic Coverage

This draft permit will provide coverage to eligible operators for stormwater discharges from construction activities that occur in areas not covered by an approved state NPDES program. The areas of geographic coverage of this draft permit are listed in Appendix B, and include the states of New Hampshire, Massachusetts, New Mexico, and Idaho as well as all Indian country lands,[1] and areas in selected states operated by a federal operator. Permit coverage is also provided to operators in Puerto Rico, the District of Columbia, and the Pacific Island territories, among others.

B. How can I get copies of these documents and other related information?

1. *Docket.* EPA has established an official public docket for this action under Docket ID No. EPA–HQ–OW–2015–0828. The official public docket is the collection of materials that is available for public viewing at the Water Docket in the EPA Docket Center, (EPA/DC) WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20460. Although all documents in the docket are listed in an index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Publicly available docket materials are available in hard copy at the EPA Docket Center Public Reading Room, open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744 and the telephone number for the Water Docket is (202) 566–2426.

2. *Electronic Access.* You may access this **Federal Register** notice electronically through the United States government on-line source for Federal regulations at *http://www.regulations.gov.*

Electronic versions of this draft permit and fact sheet are available on EPA's NPDES Web site at *https://www.epa.gov/npdes/stormwater-discharges-construction-activities.*

An electronic version of the public docket is available through the EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *https://www.epa.gov/dockets.* Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the Docket Facility identified in Section I.B.1.

C. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit CBI information to EPA through *http://www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. As noted previously, CBI information should not be submitted through *http://www.regulations.gov* or by email. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify this draft permit by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Where possible, respond to specific questions or organize comments by referencing a section or part of this draft permit.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- To ensure that EPA can read, understand, and therefore properly respond to comments, the Agency would prefer that commenters cite, where possible, the paragraph(s) or section in the draft permit or fact sheet to which each comment refers.
- Make sure to submit your comments by the comment period deadline identified.

D. Will public hearings be held on this action?

EPA has not scheduled any public hearings to receive public comment concerning the draft permit. All persons will continue to have the right to provide written comments during the public comment period. However, interested persons may request a public hearing pursuant to 40 CFR 124.12 concerning the draft permit. Requests for a public hearing must be sent or delivered in writing to the same address as provided previously for public comments prior to the close of the comment period. Requests for a public hearing must state the nature of the issues proposed to be raised in the hearing. Pursuant to 40 CFR 124.12, EPA shall hold a public hearing if it finds, on the basis of requests, a significant degree of public interest in a public hearing on the draft permit. If EPA decides to hold a public hearing, a public notice of the date, time and place of the hearing will be made at least 30 days prior to the hearing. Any person may provide written or oral statements and data pertaining to the draft permit at the public hearing.

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[1] In January 2016, the Interior Board of Indian Appeals upheld the decision by the Bureau of Indian Affairs to provide federal recognition to the Pamunkey Tribe of Virginia (*see* In Re Federal Acknowledgement of the Pamunkey Indian Tribe, 62 IBIA 122 (1/28/16)). Following this action, it is likely state reservation land will be placed into trust. Once this process is completed, the reservation would be Indian country. EPA would then consult with the Tribe as to whether the Tribe would like permit coverage for operators on its reservation, and if so, EPA could then issue the permit for the Pamunkey Reservation without further notice and comment.

E. What process will EPA follow to finalize the permit?

After the close of the public comment period, EPA intends to issue a final permit on or prior to the expiration date of the current 2012 CGP. This permit will not be issued until all significant comments have been considered and appropriate changes made to the draft permit. EPA's responses to public comments received will be included in the docket as part of the final permit issuance. Once the final permit becomes effective, eligible operators of existing and new sites may seek authorization under the new CGP. Any construction site operator obtaining permit coverage prior to the expiration date of the 2012 CGP will automatically remain covered under that permit until the earliest of:

- Authorization for coverage under the 2017 CGP following a timely submittal of a complete and accurate Notice of Intent (NOI);
- Submittal of a Notice of Termination (NOT); or
- EPA issues an individual permit or denies coverage under an individual permit for the site's stormwater discharges.

F. Who are the EPA regional contacts for this permit?

For EPA Region 1, contact Suzanne Warner at telephone number: (617) 918–1383 or email at *warner.suzanne@epa.gov.*

For EPA Region 2, contact Stephen Venezia at telephone number: (212) 637–3856 or email at *venezia.stephen@epa.gov,* or for Puerto Rico, contact Sergio Bosques at tel.: (787) 977–5838 or email at *bosques.sergio@epa.gov.*

For EPA Region 3, contact Carissa Moncavage at telephone number: (215) 814–5798 or email at *moncavage.carissa@epa.gov.*

For EPA Region 4, contact Michael Mitchell at telephone number: (404) 562–9303 or email at *mitchell.michael@epa.gov.*

For EPA Region 5, contact Brian Bell at telephone number: (312) 886–0981 or email at *bell.brianc@epa.gov.*

For EPA Region 6, contact Suzanna Perea at telephone number: (214) 665–7217 or email at: *perea.suzanna@epa.gov.*

For EPA Region 7, contact Mark Matthews at telephone number: (913) 551–7635 or email at: *matthews.mark@epa.gov.*

For EPA Region 8, contact Amy Clark at telephone number: (303) 312–7014 or email at: *clark.amy@epa.gov.*

For EPA Region 9, contact Eugene Bromley at telephone number: (415) 972–3510 or email at *bromley.eugene@epa.gov.*

For EPA Region 10, contact Margaret McCauley at telephone number: (206) 553–1772 or email at *mccauley.margaret@epa.gov.*

II. Background of Permit

The Clean Water Act ("CWA") establishes a comprehensive program "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." 33 U.S.C. 1251(a). The CWA also includes the objective of attaining "water quality which provides for the protection and propagation of fish, shellfish and wildlife and * * * recreation in and on the water." 33 U.S.C. 1251(a)(2)). To achieve these goals, the CWA requires EPA to control discharges of pollutants from point sources through the issuance of National Pollutant Discharge Elimination System ("NPDES") permits.

The Water Quality Act of 1987 (WQA) added section 402(p) to the CWA, which directed EPA to develop a phased approach to regulate stormwater discharges under the NPDES program. 33 U.S.C. 1342(p). EPA published a final regulation in the **Federal Register**, often called the "Phase I Rule," on November 16, 1990, establishing permit application requirements for, among other things, "storm water discharges associated with industrial activity." See 55 FR 47990. EPA defines the term "storm water discharge associated with industrial activity" in a comprehensive manner to cover a wide variety of facilities. See *id.* Construction activities, including activities that are part of a larger common plan of development or sale, that ultimately disturb at least five acres of land and have point source discharges to waters of the U.S. were included in the definition of "industrial activity" pursuant to 40 CFR 122.26(b)(14)(x). The second rule implementing section 402(p), often called the "Phase II Rule," was published in the **Federal Register** on December 8, 1999. It requires NPDES permits for discharges from construction sites disturbing at least one acre but less than five acres, including sites that are part of a larger common plan of development or sale that will ultimately disturb at least one acre but less than five acres, pursuant to 40 CFR 122.26(b)(15)(i). See 64 FR 68722. EPA is proposing to issue this draft permit under the statutory and regulatory authority cited above.

NPDES permits for construction stormwater discharges are required under Section 402(a)(1) of the CWA to include conditions to meet technology-based effluent limits established under Section 301 and, where applicable, Section 306. Effluent limitations guidelines (ELGs) and New Source Performance Standards (NSPS) are technology-based effluent limitations that are based on the degree of control that can be achieved using various levels of pollutant control technology as defined in Subchapter III of the CWA.

Once a new national standard is established in accordance with these sections, NPDES permits must incorporate limits based on such technology-based standards. See CWA sections 301 and 306, 33 U.S.C. 1311 and 1316, and 40 CFR 122.44(a)(1). On December 1, 2009, EPA published final regulations establishing technology-based Effluent Limitations Guidelines (ELGs) and New Source Performance Standards (NSPS) for the Construction & Development (C&D) point source category, which became effective on February 1, 2010. See 40 CFR part 450, and 74 FR 62996 (December 1, 2009). The Construction & Development Rule, or "C&D rule," was amended on March 6, 2014 to satisfy EPA's agreements pursuant to a settlement of litigation that challenged the 2009 rule. See 79 FR 12661. All NPDES construction permits issued by EPA or states after this date must incorporate the requirements in the C&D rule.

III. Summary of the Draft Permit

The draft permit is similar to the existing 2012 CGP. It includes effluent limitations (*i.e.,* requirements for erosion and sediment and pollutant prevention controls) and requirements for self-inspections, corrective actions, staff training, development of a stormwater pollution prevention plan (SWPPP), and permit conditions applicable to construction sites in specific states, Indian country lands, and territories. Additionally, the appendices provide forms for the submittal of an NOI, NOT, Low Erosivity Waiver (LEW), as well as step-by-step procedures for determining eligibility with respect to the protection of threatened and endangered species and historic properties, and for complying with the draft permit's natural buffer requirements.

A. Technology-Based Effluent Limits

As stated previously, all NPDES construction permits issued by EPA or states after March 6, 2014 must incorporate the requirements in the C&D rule, as amended. The non-numeric effluent limitations in the C&D rule are designed to prevent the mobilization and discharge of sediment and sediment-bound pollutants, such as metals and nutrients, and to prevent or minimize exposure of stormwater to construction materials, debris, and other sources of pollutants on construction sites. In addition, these non-numeric effluent limitations limit the generation of dissolved pollutants. Soil on construction sites can contain a variety of pollutants such as nutrients, pesticides, herbicides, and metals. These pollutants may be present naturally in the soil, such as arsenic or selenium, or they may have been contributed by previous activities on the site, such as agriculture or industrial activities. These pollutants, once mobilized by stormwater, can detach from the soil particles and become dissolved pollutants. Once dissolved, these pollutants would not be removed by down-slope sediment controls. Source control through minimization of soil erosion is therefore the most effective way of controlling the discharge of these pollutants.

The non-numeric effluent limits in the C&D rule, upon which certain technology-based requirements in the draft permit are based, include the following:

- *Erosion and Sediment Controls*—Permittees are required to design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed and maintained to:

1. Control stormwater volume and velocity to minimize soil erosion in order to minimize pollutant discharges;
2. Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points;
3. Minimize the amount of soil exposed during construction activity;
4. Minimize the disturbance of steep slopes;
5. Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater discharge, and soil characteristics, including the range of soil particle sizes expected to be present on the site;
6. Provide and maintain natural buffers around waters of the United States, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce pollutant discharges, unless infeasible;
7. Minimize soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted; and
8. Unless infeasible, preserve topsoil. Preserving topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed.

- *Soil Stabilization Requirements*—Permittees are required to, at a minimum, initiate soil stabilization measures immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permitting authority. Stabilization must be completed within a period of time determined by the permitting authority. In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed.
- *Dewatering Requirements*—Permittees are required to minimize the discharge of pollutants from dewatering trenches and excavations. Discharges are prohibited unless managed by appropriate controls.
- *Pollution Prevention Measures*—Permittees are required to design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:

1. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
2. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use); and
3. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

- *Prohibited Discharges*—The following discharges from C&D sites are prohibited:

1. Wastewater from washout of concrete, unless managed by an appropriate control;
2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
4. Soaps or solvents used in vehicle and equipment washing.

- *Surface Outlets*—When discharging from basins and impoundments, permittees are required to utilize outlet structures that withdraw water from the surface, unless infeasible.

The fact sheet details how EPA has incorporated these requirements into the draft permit. The discussion in the fact sheet includes a summary of each provision and the Agency's rationale for articulating the provision in this way.

B. Water Quality-Based Effluent Limits (WQBELs)

EPA's regulations at 40 CFR 122.44(d)(1) require permitting authorities to include additional or more stringent permit requirements when necessary to achieve water quality standards. The 2012 CGP contained several provisions to protect water quality and the draft permit includes those same provisions. It includes a narrative WQBEL requiring that discharges be controlled as necessary to meet applicable water quality standards. Failure to control discharges in a manner that meets applicable water quality standards will be a violation of the permit.

In addition to the narrative WQBEL, the draft permit contains related provisions that act together to further protect water quality. These provisions were also included in the 2012 CGP. For example, the draft permit requires permittees to implement stormwater control measures and to take corrective action in response to any exceedance of applicable water quality standards. To provide further protection, the draft permit requires more stringent site inspection frequencies and stabilization deadlines for constructions sites that discharge to sensitive waters, such as those waters that are sediment or nutrient-impaired, which are parameters typically associated with stormwater discharges from construction sites, or waters identified by a state, tribe, or

EPA as requiring enhanced protection under antidegradation requirements. Additionally, EPA expects that, as with the 2012 CGP, the Agency will receive CWA Section 401 certifications for the final 2017 CGP. Some of those certifications may include additional conditions that are required by states, Indian country lands, and territories, that become legally binding permit limits and conditions in specific geographic areas where the permit is available.

C. Summary of Proposed Permit Changes

EPA proposes to make several modifications to the 2012 CGP, which are summarized below and discussed in more detail in the fact sheet. EPA also specifically requests comment on several potential permit modifications, which are summarized in Section III.D below. The fact sheet for the draft permit explains in more detail each proposed permit condition and the rationale for including those conditions and any changes to those conditions. The fact sheet and draft permit can be found at *https://www.epa.gov/npdes/stormwater-discharges-construction-activities.* The following list summarizes these specific permit modifications, and where they are included in the draft permit.

1. *Streamlining of permit*—EPA proposes to streamline and simplify language throughout the draft permit to present requirements in a generally more clear and readable manner. This structure should enhance the permittees' understanding of and compliance with the permit's requirements. For example, EPA moved language that was not necessary in the permit to the relevant appendix or to the fact sheet. Although the draft permit has been streamlined from prior permits, many of the requirements remain unchanged.

2. *Revisions consistent with the C&D ELG, as amended*— EPA proposes to make minor revisions to the technology-based effluent limits in the permit to implement the March 6, 2014 amendments to the Construction and Development Effluent Guidelines and Standards (the "C&D rule") at 40 CFR part 450 (see section III.A. of this notice on Technology-Based Effluent Limits). The 2012 CGP already incorporated the original C&D rule requirements and the draft permit makes the necessary revisions to the language based on the rule amendments, but does not add any new requirements. These revisions include clarifying the applicability of requirements to control erosion caused by discharges, providing additional details on areas where buffers are required, and clarifying requirements for soil stabilization, preservation of topsoil, and pollution prevention measures.

3. *Authorized non-stormwater discharges*—EPA currently authorizes several non-stormwater discharges associated with construction activity under the 2012 CGP. EPA proposes in the draft permit to require that authorized non-stormwater discharges of external building washdown waters must not contain hazardous substances, such as paint or caulk containing polychlorinated biphenyls (PCBs). Part 1.2.2.

4. *Public notice of permit coverage*—The current 2012 CGP requires that permittees post a sign or other public notice of permit coverage at a safe, publicly accessible location in close proximity to the construction site. EPA proposes in the draft permit that this notice must also include information informing the public on how to contact EPA if stormwater pollution is observed in the discharge. EPA is proposing to require this condition to improve compliance with the permit. Part 1.5.

5. *Stockpiles and land clearing debris piles*—The current 2012 CGP requires that cover or appropriate temporary stabilization be provided for any stockpiles "where practicable." EPA proposes in the draft permit to require cover or appropriate temporary stabilization for all inactive stockpiles and land clearing debris piles for those piles that will be unused for 14 or more days. This provision is consistent with the permit's stabilization requirements in Part 2.2.14 of the draft permit. EPA is proposing this change to ensure pollutants are minimized from these piles, but is clarifying that the requirement only applies where these piles are not actively being used. Part 2.2.5.

6. *Construction and domestic waste*—EPA proposes in the draft permit to require waste container lids to be kept closed when not in use, or, for waste containers that do not have lids and could leak, EPA proposes to require cover or a similarly effective means to be provided to minimize the discharge of pollutants. EPA proposes this change to make the requirements for construction and domestic waste consistent with the cover requirements for most other types of materials and wastes in the 2012 CGP. Part 2.3.3.

7. *Pollution prevention requirements for demolition activities*—EPA proposes in the draft permit a requirement to implement controls to minimize the exposure of polychlorinated biphenyl-(PCB) containing building materials to precipitation and stormwater associated with the demolition of structures with at least 10,000 square feet of floor space built or renovated before January 1, 1980. In addition, EPA proposes to require information about the demolition location and associated pollutants to be documented in the SWPPP. Part 2.3.3.

8. *Reporting information on construction activities*—EPA proposes to require a question on the NOI form asking for the type of construction activities that will occur on the site. See draft Appendix J.

D. Provisions for Which EPA is Soliciting Comment

While EPA encourages the public to review and comment on all provisions in the draft permit, EPA has included in the body of the draft permit several provisions on which EPA specifically requests feedback. The following list summarizes these specific requests for comment, and where they are included in the permit:

1. *Group SWPPP for multiple operators*—Request for comment on whether the permit should include a provision for sites with multiple operators requiring those operators to develop a group SWPPP. Part 1.1.1.

2. *Authorized non-stormwater discharges*—Request for comment on whether to require that authorized non-stormwater discharges of external building washdown waters must not contain hazardous substances. Part 1.2.2.

3. *Stabilization deadlines*—Request for comment on modifying the deadline to complete stabilization to seven (7) calendar days for all sites. Part 2.2.14.

4. *Controls for dewatering discharges*—Request for comment on additional controls or requirements EPA should consider to ensure that discharges of pollutants in construction dewatering discharges are minimized. Part 2.4.

5. *Site inspection frequency*—Request for comment on modifying the minimum site inspection frequency. Part 4.2.2.

6. *Snowmelt discharge inspection frequency*—Request for comment on the frequency of inspections that should be required for discharge events with snowmelt runoff. Part 4.2.2.

7. *Availability of Stormwater Pollution Prevention Plan (SWPPP)*—Request for comment on requiring operators to make the SWPPP, or a portion of the SWPPP, publicly available. Part 7.3.

IV. Analysis of Economic Impacts

EPA expects the economic impact on entities that will be covered under this permit, including small businesses, to be minimal. A copy of EPA's economic analysis, titled "Cost Impact Analysis for the 2017 Proposed Construction General Permit (CGP)," is available in the docket for this draft permit. The economic impact analysis indicates that while there may be some incremental increase in the costs of complying with the new permit, these costs will not have a significant economic impact on a substantial number of small entities.

V. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

The draft permit is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

VI. Compliance with the National Environmental Policy Act (NEPA) for the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges From Construction Activities

Pursuant to the National Environmental Policy Act (NEPA) (42 U.S.C. 4321–4307h), the Council on Environmental Quality's NEPA regulations (40 CFR part 15), and EPA's regulations for implementing NEPA (40 CFR part 6), EPA has determined that the 2017 reissuance of the CGP is eligible for a categorical exclusion requiring documentation under 40 CFR 6.204(a)(1)(iv). This category includes "actions involving reissuance of a NPDES permit for a new source providing the conclusions of the original NEPA document are still valid, there will be no degradation of the receiving waters, and the permit conditions do not change or are more environmentally protective." EPA completed an Environmental Assessment/Finding of No Significant Impact (EA/FONSI) for the existing 2012 CGP. The analysis and conclusions regarding the potential environmental impacts, reasonable alternatives, and potential mitigation included in the EA/FONSI are still valid for the 2017 reissuance of the CGP because the proposed permit conditions are either the same or in some cases are more environmentally protective. Actions may be categorically excluded if the action fits within a category of action that is eligible for exclusion and the proposed action does not involve any extraordinary circumstances. EPA has reviewed the proposed action and determined that the 2017 reissuance of the CGP does not involve any extraordinary circumstances listed in 6.204(b)(1) through (b)(10). Prior to the issuance of the final 2017 CGP, the EPA Responsible Official will document the application of the categorical exclusion and will make it available to the public on EPA's Web site at *https://cdxnodengn.epa.gov/cdx-enepa-public/action/nepa/search*. If new information or changes in the draft permit involve or relate to at least one of the extraordinary circumstances or otherwise indicate that the permit may not meet the criteria for categorical exclusion, EPA will prepare an EA or Environmental Impact Statement (EIS).

VII. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order (EO) 12898 (59 FR 7629 (February 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this draft permit will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because the requirements in the draft permit apply equally to all construction projects that disturb one or more acres in areas where EPA is the permitting authority, and the erosion and sediment control proposed provisions increase the level of environmental protection for all affected populations.

VIII. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

In compliance with Executive Order 13175, EPA has consulted with tribal officials to gain an understanding of and, where necessary, to address the tribal implications of the draft permit. In the course of this consultation, EPA conducted the following activities:

- August 5, 2015—EPA mailed notification letters to all Tribal leaders, initiating consultation and coordination on the draft permit. The consultation period was from August 17, 2015 to October 13, 2015.
- August 11, 2015—EPA presented a brief overview of the current CGP and information regarding the upcoming consultation to the National Tribal Caucus.
- August 12, 2015—EPA presented a brief overview of the current CGP and information regarding the upcoming consultation to the National Tribal Water Council.
- September 22, 2015—EPA held a consultation teleconference call; 18 Tribes were represented. EPA responded to the general questions raised on the call.
- On October 14, 2015, EPA received one set of comments from a Tribe in the State of Washington. EPA has started evaluation of the comments and will consider them moving forward; EPA will respond to the formal comments submitted in writing during the comment period in the Agency's final action.
- EPA will provide email notification to Tribes of today's proposal of the draft permit, and invite those interested to provide the Agency with comments.

EPA also notes that as part of the finalization of this draft permit, it will complete the Section 401 certification procedures with all applicable tribes where this permit will apply (see Appendix B).

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: March 29, 2016.

H. Curtis Spalding,

Regional Administrator, EPA Region 1.

Dated: March 29, 2016.

Joan Leary Matthews

Director, Clean Water Division, EPA Region 2.

Dated: March 29, 2016.

Jose C. Font

Director, Caribbean Environmental Protection Division, EPA Region 2.

Dated: March 29, 2016.

Jon M. Capacasa,

Director, Water Protection Division, EPA Region 3.

Dated: March 29, 2016.

James D. Giattina,

Director, Water Protection Division, EPA Region 4.

Dated: March 29, 2016.

Tinka G. Hyde

Director, Water Division, EPA Region 5.

Dated: March 29, 2016.

David Garcia,

Deputy Director, Water Division, EPA Region 6.

Dated: March 29, 2016.

Karen Flournoy,

Director, Water, Wetlands, and Pesticides Division, EPA Region 7.

Dated: March 29, 2016.

Darcy O'Connor,

Acting Assistant Regional Administrator, EPA Region 8.

Dated: March 29, 2016.

Mike Montgomery

Assistant Director, Water Division, EPA Region 9.

Dated: March 29, 2016.

Daniel D. Opalski,

Director, Office of Water and Watersheds, EPA Region 10.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2008–0316; FRL–9944–37]

Tetrachlorvinphos (TCVP); EPA Proposal To Rely on Data From Human Research on TCVP Exposure From Flea Control Collars

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with EPA's rule for protection of human subjects, EPA is providing an opportunity for public comment on EPA's proposal to rely on data from human research on tetrachlorvinphos (TCVP) exposure from flea control collars.

DATES: Comments must be received on or before May 11, 2016.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2008–0316, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For information on EPA's Rule for Protection of Human Subjects contact:* Maureen Lydon, Human Research Ethics Review Officer, Office of Pesticide Programs (7501P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 347–0440; email address: *lydon.maureen@epa.gov.*

For information on the EPA risk assessment contact: James Parker, Chemical Review Manager, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 306–0469; email address: *parker.james@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult a contact listed under **FOR FURTHER INFORMATION CONTACT.**

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. Authority

EPA is conducting its registration review of TCVP pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.,* and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

III. EPA's Proposal To Rely on Published TCVP Human Research

During the public meeting of the Human Studies Review Board (HSRB) held on January 12–13, 2016, EPA's Office of Pesticide Programs provided an overview and science and ethics review of the research discussed in the article "Assessing Intermittent Pesticide Exposure From Flea Control Collars Containing the Organophosphorus Insecticide Tetrachlorvinphos (TCVP)." This research article was authored by M. Keith Davis, J. Scott Boone, John E. Moran, John W. Tyler and Janice E. Chambers and published in 2008 in the

Journal of Exposure Science and Environmental Epidemiology (2008) 18, pages 564–570. EPA presented Davis et al. research to the HSRB for their review, along with a request for the HSRB to respond to questions posed by EPA.

The Davis et al. research measured TCVP exposures in children and adults that could occur from contact with pet dogs wearing TCVP-containing flea control collars. The research was based on two studies conducted by the Center of Environmental Health Sciences, College of Veterinary Medicine, Mississippi State University (MSU). Although the families involved in the studies already used flea collars, the researchers provided specific flea collars to the participating families and asked that their dogs wear them during the studies.

In study 1, conducted in 1998, TCVP residues were measured by rubbing/petting dogs' fur with a gloved hand. The sampling was conducted by volunteer technicians from MSU veterinary school who stroked the animals in a standardized, prescribed manner, in a marked 10 x 4 inch area with clean, white, cotton gloves for a continuous 5-minute period. The dogs were rubbed in three specific locations: Near the base of the tail, at the neck with the flea collar removed, and at the neck with the flea collar in place. Study 1 also measured dog plasma cholinesterase. There were 23 pet dogs included in this study, one from each of the 23 participating households.

Under study 2, conducted in 2002, volunteer technicians from MSU veterinary school collected TCVP residues by rubbing/petting dogs' fur with a gloved hand, and used the same methods as those employed by study 1. The collection of the glove residue data did not involve children in either study 1 or study 2. However, study 2 also quantified TCVP residues on tee shirts worn by children and included biomonitoring of the TCVP metabolite 2,4,5-trichloromandelic acid (TCMA) in urine of participating children and adults. Study 2 included 1 child and 1 adult from each of the 22 participating families and 22 pet dogs.

EPA proposes to use only the glove residue data from the Davis et al. research in its risk assessment of TCVP because it is chemical-specific and results in the highest computed risks when compared to the other data in Davis et al. and all the approaches considered in the assessment; as a result, it supports the most protective risk characterization. The research complied with the ethical standards in place at the time the studies were conducted and meets the substantive acceptance standards. As described in the Davis et al. research, the data were derived in a manner that makes the research scientifically valid and are appropriate for use in EPA's risk assessment.

In the **Federal Register** of January 20, 2016 (81 FR 3128, FRL–9940–81), EPA sought public comment on EPA's draft human health and ecological risk assessment for the registration review of TCVP. The public can view the draft human health risk assessment and supporting documents, as well as comments received, in the docket established for the reregistration review of TCVP (see docket ID number EPA–HQ–OPP–2008–0316). EPA has determined that relying on the glove residue data from the Davis et al. research is crucial to a decision to potentially impose a more stringent regulatory restriction that would improve public health protection than could be justified without relying on the data. EPA currently does not have other pet collar glove residue data which are chemical-specific or that would lead to the same potential regulatory action to improve public health protection. For this reason, the glove residue data are crucial to EPA's decision.

IV. Reason for Review by the HSRB

EPA chose, in this case, to obtain the views of the HSRB concerning EPA's proposal to rely on the TCVP glove residue data from studies 1 and 2 for the following reasons. First, the proposal submitted to EPA's Science to Achieve Results (STAR) grants program for funding of the research discussed correlating the residues from the rubbing procedure with the gloves, the residues from the tee shirts worn by children participating in the studies, and the urinary metabolites of the children and adults in the participating households and described these activities under the umbrella of one research project. Moreover, although EPA is relying only on the TCVP glove residue data from both studies, study 2 further involved children wearing tee shirts and providing urine samples, and, at least for that portion of the study, is considered research involving intentional exposure to human subjects. Therefore, even though EPA does not wish to rely on the data involving children (namely the tee shirt and urinary data), EPA chose in this case to assume that the prohibition in 40 CFR 26.1703 and the process in 40 CFR 26.1706 apply, including submission of the research to the HSRB for review.

40 CFR 26.1703 prohibits EPA reliance on data from any research involving intentional exposure of any human subject who is a pregnant woman (and therefore her fetus), nursing woman, or child, except as provided in 40 CFR 26.1706. 40 CFR 26.1706 explains that EPA may rely on data that are unacceptable under the standards in 40 CFR 26.1703 through 26.1705 only if EPA has: (a) Obtained the views of the HSRB; (b) provided an opportunity for public comment on the proposal to rely on the otherwise unacceptable data; (c) determined that relying on the data is crucial to a decision that would impose a more stringent regulatory restriction to protect public health than could be justified without the data; and (d) published a full explanation of the decision to rely on the data, including a thorough discussion of the ethical deficiencies of the underlying research and the full rationale for finding that the standard in item (c) was met.

EPA sought and obtained the views of the HSRB during the public meeting of the HSRB on January 12–13, 2016. The HSRB documents their views in meeting minutes and a final report before EPA publishes the explanation required by 40 CFR 26.1706(d). Pursuant to 40 CFR 26.1706(b), EPA is hereby providing an opportunity for public comment on EPA's proposal to rely on the TCVP glove residue data from the Davis et al. research. EPA proposes to rely on chemical-specific data from human research to potentially impose a more stringent regulatory restriction that would improve public health protection than could be justified without relying on the data.

V. Background on Ethical Conduct of Research

The research was funded by EPA's STAR grants. EPA's Office of Research and Development (ORD) reviewed the grant proposal, which involved human research and funding from EPA. EPA's ethics review of the Davis et al. research presented at the January HSRB meeting relies in part on EPA's ORD file because it contains draft consent forms used during study 2 and recruitment information. At the January 2016 HSRB meeting, EPA discussed the role of the veterinary students, the societal value of the Davis et al. research, and ethical considerations regarding recruitment of study participants, the independent ethics review, informed consent, respect for subjects and compensation for participation in the study.

EPA reviewed with the HSRB the role of the veterinary students in rubbing the dogs. The technicians who rubbed the dogs in study 1 and study 2 were students enrolled at MSU's College of

Veterinary Medicine. Both the researchers and the Institutional Review Board (IRB) viewed the veterinary students as technicians in the study, not as human subjects. The abstract for the research submitted to EPA for funding is included in the ORD file and states, on page 14, that "the samplers will be trained so that consistency in the sample collection is maintained among dogs and among samplers." As discussed in the research article, the technicians wore gloves and stroked the animals in a standardized, prescribed manner: "in a marked 10 x 4 inch area with clean, white, cotton gloves for a continuous 5-min period." The dogs were rubbed in specific locations (near the base of the tail, at the neck with collar removed, and at the neck with the collar in place). Under 40 CFR 26.1102(e), the term "human subject" is defined, in part, as "a living individual about whom an investigator . . . conducting research obtains . . . data through intervention or interaction. . . ." The Primary Investigator for the research confirmed that she did not obtain data about the technicians, nor did she intend to do so. The pattern of rubbing does not resemble the typical human-pet interaction or provide information about how a person would normally interact with a pet. EPA noted during the HSRB meeting that the researchers were not collecting data about the technicians in this study and concluded that there is no indication from the research article, the ORD file or EPA's interview with the Primary Investigator that the study collected data about the veterinary students who worked as technicians in the study. Instead, the researchers collected data only about the residues on the glove as an indication of how much residue was available for transfer from the pet.

With regard to the societal value of the Davis et al. research, the objective was to assess the amount of exposure to TCVP that could occur in children and adults from the use of a TCVP-containing collar on a pet dog. Regarding recruitment, the research article states that "the studies were conducted in Oktibbeha County, Mississippi (USA), with volunteer households having pet dogs" and that "participating families were volunteers who routinely used flea control products on their pet dogs." "One child and one adult were selected from each participating family" for study 2, which included 44 subjects. EPA's file on the STAR grant, page 13, states that: "Dogs selected for this study will be owned by professional (DVM) or graduate students enrolled in the College of Veterinary Medicine, or staff/faculty members of Mississippi State University with a child aged 4–10 years in the household who routinely plays with this dog." It goes on to state that "students or staff should be the most reliable group of owners (in contrast to the general public) in that they are accessible daily, their dogs can readily be treated and sampled when the students are in class or the staff members are at work, and as members of the academic community, the compliance and appreciation of the value of research should be high." EPA's file further states that "dogs participating in this study must be enrolled in the Small Animal Community Practice Health Maintenance Program, so that their health status and vaccination history are known."

Regarding the independent ethics review, the IRB for Research on Human Subjects at MSU reviewed and approved the sampling protocols and consent forms, and the EPA's ORD, the National Center for Environmental Research and Quality Assurance (NCERQA) reviewed the STAR grant proposal focusing on this research. ORD supported the research dependent on the incorporation of NCERQA comments on the consent forms. The protocol was distributed to each participating household, informed consent was obtained from the adults, and children were informed verbally of the procedures and oral or written assent was obtained from them. The IRB for Research on Human Subjects at MSU approved all sampling protocols and informed consent forms. The ORD file contains a draft consent form for adults and a Minor's Assent Form. The consent form states that the study involves research and identifies its purpose, expected duration, number of urine and tee shirt samples to be provided, states that research results will be coded, participants are free to withdraw, provides a contact for information, and specifies compensation of $150 for each participating household. The consent form, entitled "Authorization for Participation in Research Project," also states that "no risks are anticipated to the participants." The implication is that since families already used flea collars on their dogs, there was no added risk from participating in the study. In the abstract that the researchers submitted to ORD, however, page 4 states that "the residues of insecticides available for intermittent transfer to children from the fur of dogs treated by either a spot treatment or a collar for flea control will be appreciable and of a magnitude necessitating inclusion in cumulative risk assessments of pesticides to children; secondly, that the fur rubbing procedure developed to quantify dislodgeable residues provides a useful estimate of insecticide residues which could be transferred from the fur of dogs to children."

Although the families involved already used flea collars registered by EPA, in the interest of transparency, it would have been preferable for the researchers to have shared their hypothesis with the parents of the participating children and included it in the consent form. It is unknown whether the information was stated in the protocol provided to the families. The Minor's Assent Form states that the researchers "will specifically obtain assent from the children recruited to our project . . . We will explain that the child's parent or guardian has given us permission to request his/her help participation (sic) in the research project. We will then explain the urine collection protocol and the tee shirt protocol to the children in language appropriate to the age of the child and obtain his/her assent to participate. We will not explain the connection to the pesticide residues on the dog so as not to alter the behavior of the child with the dog. We will obtain the children's assent orally because of the age range of the children involved."

The researchers demonstrated respect for subjects participating in the study in several ways. The researchers: Did not reveal subjects' identities; obtained informed consent from participating subjects; provided light weight short-sleeve tee shirts to children for use during the study; gave written assurance that urine samples would only be used to quantify insecticide urinary metabolites; and provided compensation for participation in the study. Compensation included $100 equivalent of veterinary care provided by the Animal Health Center of MSU College of Veterinary Medicine and $150 to participating households in Study 2.

VI. Summary of Discussion on Ethics-Related Questions

As documented on page 27 of the minutes of the January 2016 HSRB meeting, in response to EPA's science charge question, the HSRB stated that, "The research is scientifically sound and, if used appropriately, the pet fur transferable residue data from the rubbing protocol can provide useful information for evaluating potential exposures of adults and children from contact with dogs treated with tetrachlorvinphos containing pet collars.'' The HSRB noted that, ''the limitations of the data would be discussed in the Board's report.'' The minutes of the January 12–13, 2016 public HSRB meeting are available on the HSRB Web site at *http://www.epa.gov/osa/january-12-13-2016-meeting-human-studies-review-board.*

The EPA also asked the HSRB if they had any comments on the determination that the samplers (who petted/rubbed the dogs) were not human subjects. During the public meeting, as documented on pages 27–28 of the minutes, ''Questions were raised by several committee members about the PI's ([primary investigator's) and the IRB's (Institutional Review Board's) determinations that the samplers were not human subjects in the study; rather they were viewed as study staff. Some members of the board asserted that the students/technicians, by virtue of being potentially exposed to the pesticide as part of the conduct of the study, should have been considered human subjects. Furthermore, if they had been treated as subjects, they might have been considered 'vulnerable' due to their status as students.'' The HSRB noted that the flea control collars were ''commercially available at the time, and that the potential exposure to the pesticide residues through petting the dogs for 5 minute periods wearing cotton gloves was likely much less than average exposure of a pet owner. There is no information available about whether there was any 'bleed through' of pesticide from the cotton gloves to the skin of the samplers and therefore the actual exposure is unknown. Considering all of these factors, the committee felt that the risks of exposure were not greater than those experienced in everyday life. Thus, even if the determination regarding the status of the samplers as study staff rather than subjects was mistaken, the committee did not believe this resulted in any material harms and so this question should not prevent the EPA from using the pet fur transferable residue data derived from the study for making a decision to impose a more stringent regulatory restriction than could be justified without the data.''

EPA asked the HSRB if they had any comments on the ethical conduct of the research. As noted on page 28 of the meeting minutes, ''Committee members observed that the records from correspondence with EPA staff regarding the study suggest the consent form was amended to include disclosure to parents about the risks of pesticide exposure, although the final approved consent form was not available. A question was raised about the decision made to provide incomplete assent to the minor subjects following parental permission. Study documents suggest this was an intentional choice ('We will not explain the connection to the pesticide residues on the dog . . .'), which was made, according to study documents, in order to avoid confounding the results by causing alterations in the children's behavior around their dogs. Board members noted that the amount and type of information provided to children in an assent process will vary depending on the age of the child; the children enrolled in the study were between the ages of 3 and 11 years old and therefore would have had varying levels of capacity to process the information about the study. It was noted that FIFRA, which existed at the time of these studies, states that it's unlawful to use any pesticide in tests on humans unless they are fully informed of the nature and purposes of the test. Although some board members viewed the assent as incomplete in this case, because parents are presumed to have given fully-informed permission,'' and given that the flea control collars were ''commercially available at the time and already in use in the households recruited to the study, the committee felt that the risks of exposure were not greater than those experienced in everyday life. Thus, the committee did not believe this resulted in any material harms and so this question should not prevent the EPA from using the pet fur transferable residue data derived from the study for making a decision to impose a more stringent regulatory restriction than could be justified without the data.''

VII. Standards Applicable to Ethical Conduct and Reliance on Data

With regard to the standards applicable to the conduct of the research, study 1 was conducted in 1998 and study 2 was conducted in 2002, both before EPA's Rule for Protection of Human Subjects (40 CFR part 26, subparts B through Q) became effective in 2006. Thus, 40 CFR part 26, subparts B through Q, did not apply when this research was conducted. However, EPA's codification of the Common Rule at 40 CFR part 26 subpart A was in place and applies to the underlying research that received EPA's STAR grant funding. Key elements of the Common Rule include IRB oversight and prior approval, an acceptable informed consent process, risk minimization, a favorable risk-benefit balance, equitable subject selection, and fully informed and voluntary participation by subjects. In addition, FIFRA section 12(a)(2)(P), which states that it is unlawful to use any pesticide in tests on humans unless they are fully informed of the nature and purposes of the tests, as well as of any reasonably foreseeable physical and mental health consequences, and that participants freely volunteer, existed at the time of these studies. The Davis et al. research complied with the standards in place at the time the research was conducted.

The substantive acceptance standards which apply to the research include: 40 CFR 26.1703, which, except as provided in 40 CFR 26.1706, prohibits relying on data involving intentional exposure of pregnant or nursing women or of children; 40 CFR 26.1704, which, except as provided in 40 CFR 26.1706, prohibits reliance on data if research was fundamentally unethical or deficient relative to prevailing standards at the time; and FIFRA section 12(a)(2)(P), which makes it unlawful to use a pesticide in human tests without fully informed, fully voluntary consent. 40 CFR 26.1706 states that EPA may rely on data that are unacceptable under the standards in 40 CFR 26.1703 through 26.1705 only if EPA has: (a) Obtained the views of the HSRB, (b) provided the opportunity for public comment on the proposal to rely on the otherwise unacceptable data, (c) determined that relying on the data is crucial to a decision that would impose a more stringent regulatory restriction to protect public health than could be justified without the data, and (d) published a full explanation of the decision to rely on the data, including a thorough discussion of the ethical deficiencies of the underlying research and the full rationale for finding that the standard in item (c) was met. Regarding 40 CFR 26.1703, study 2 involved tee shirt and urine samples that came from children. As explained previously, even though EPA only intends to rely on the glove residue data from study 1 and study 2, which did not involve children, EPA chose in this case, out of an abundance of caution, to proceed under 40 CFR part 26, subpart Q.

Regarding 40 CFR 26.1704, clear and convincing evidence that the pre-rule research was fundamentally unethical or deficient relative to prevailing ethics standards does not exist, and the research complied with FIFRA section 12(a)(2)(P). In satisfaction of 40 CFR 26.1706(a), EPA sought and obtained the views of the HSRB during the public HSRB meeting on January 12–13, 2016. The HSRB documents their views in meeting minutes and a final report before EPA publishes the explanation required by 40 CFR 26.1706(d).

Pursuant to 40 CFR 26.1706(b), EPA is providing an opportunity for public comment on EPA's proposed decision to rely on the glove residue data.

Regarding 40 CFR 26.1706(c), EPA has determined that relying on the glove residue data from the Davis et al. research is crucial to a decision to potentially impose a more stringent regulatory restriction that would improve public health protection than could be justified without relying on the data, as explained in EPA's draft human health and ecological risk assessment for the registration review of TCVP.

VIII. Availability of HSRB Meeting Materials

In accordance with the requirements of the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix 2, the minutes of the HSRB public meeting held on January 12–13, 2016, including a description of the matters discussed and conclusions reached by the Board, must be certified by the HSRB meeting Chair and made public within 90 days of the meeting. The HSRB meeting Chair in fact certified those meeting minutes on February 24, 2016. The HSRB also will prepare a final report in response to questions posed by the EPA, which will include the Board's review and analysis of materials presented. The approved minutes, final report and other materials from the January 12–13, 2016 HSRB meeting are or will be available in docket ID number EPA–HQ–ORD–2015–0588 and on the HSRB Web site at *http://www.epa.gov/osa/human-studies-review-board.*

IX. Other Related Information on TCVP

The public can view EPA's draft human health and ecological risk assessment and supporting documents for the registration review of TCVP in the docket at *http://www.regulations.gov* (see docket ID number EPA–HQ–OPP–2008–0316). Information on the Agency's registration review program and its implementing regulation is available at *https://www.epa.gov/pesticide-reevaluation/registration-review-process.*

Authority: 7 U.S.C. 136 *et seq.*

Dated: March 28, 2016.

Jack E. Housenger,

Director, Office of Pesticide Programs, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2016–08281 Filed 4–8–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0762; FRL–9943–48]

Registration Review; Conventional, Biopesticide and Antimicrobial Dockets Opened for Review and Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: With this document, EPA is opening the public comment period for several registration reviews. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Registration review dockets contain information that will assist the public in understanding the types of information and issues that the Agency may consider during the course of registration reviews. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

DATES: Comments must be received on or before June 10, 2016.

ADDRESSES: Submit your comments identified by the docket identification (ID) number for the specific pesticide of interest provided in the table in Unit III. A., by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For pesticide specific information contact:* The person identified as a contact in the table in Unit III.A. Also include the docket ID number listed in the table in Unit III.A. for the pesticide of interest.

For general information contact: Richard Dumas, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8015; fax number: (703) 308–8090; email address: *dumas.richard@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farmworker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their

location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. Authority

EPA is initiating its reviews of the pesticides identified in this document pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136a(g)) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C., Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

III. Registration Reviews

A. What action is the Agency taking?

As directed by FIFRA section 3(g), EPA is reviewing the pesticide registrations identified in the table in this unit to assure that they continue to satisfy the FIFRA standard for registration—that is, they can still be used without unreasonable adverse effects on human health or the environment. A pesticide's registration review begins when the Agency establishes a docket for the pesticide's registration review case and opens the docket for public review and comment. At present, EPA is opening registration review dockets for the cases identified in the following table.

TABLE—REGISTRATION REVIEW DOCKETS OPENING

Registration review case name and No.	Docket ID No.	Contact
1,2-Benzisothiazol-3(2H)-one,2-butyl- (BBIT), 5017	EPA–HQ–OPP–2015–0736	Rachel Ricciardi, *ricciardi.rachel@epa.gov,* (703) 347–0465.
Bacillus popilliae, 4102	EPA–HQ–OPP–2016–0043	Kathleen Martin, *martin.kathleen@epa.gov,* (703) 308–2857.
Brodifacoum, 2755	EPA–HQ–OPP–2015–0767	Ricardo Jones, *jones.ricardo@epa.gov,* (703) 347–0493.
Bromadiolone, 2760	EPA–HQ–OPP–2015–0768	Ricardo Jones, *jones.ricardo@epa.gov,* (703) 347–0493.
Derivatives of benzoic acid, 4013	EPA–HQ–OPP–2015–0597	Moana Appleyard, *appleyard.moana@epa.gov,* (703) 308–8175.
Difenacoum, 7630	EPA–HQ–OPP–2015–0769	Nicole Zinn *zinn.nicole@epa.gov,* (703) 308–7075.
Difethialone, 7603	EPA–HQ–OPP–2015–0770	Nicole Zinn *zinn.nicole@epa.gov,* (703) 308–7075.
Ethofumesate, 2265	EPA–HQ–OPP–2015–0406	Jordan Page, *page.jordan@epa.gov,* (703) 347–0467.
Fluometuron, 0049	EPA–HQ–OPP–2015–0746	Linsey Walsh, *walsh.linsey@epa.gov,* (703) 347–8030.
Inorganic chlorates, 4049	EPA–HQ–OPP–2016–0080	Brittany Pruitt, *pruitt.brittany@epa.gov,* (703) 347–0289.
Inorganic polysulfides, 4054	EPA–HQ–OPP–2016–0102	Katherine St. Clair, *stclair.katherine@epa.gov,* (703) 347–8778.
Metaldehyde, 0576	EPA–HQ–OPP–2015–0649	Leigh Rimmer, *rimmer.leigh@epa.gov,* (703) 347–0553.
Methyl Eugenol, 6203	EPA–HQ–OPP–2015–0542	Cheryl Greene, *greene.cheryl@epa.gov,* (703) 308–0352.
Pentachloronitrobenzene, 0128	EPA–HQ–OPP–2015–0348	Veronica Dutch, *dutch.veronica@epa.gov,* (703) 308–8585.
Triadimefon, 2700	EPA–HQ–OPP–2016–0114	Christina Motilall, *motilall.christina@epa.gov,* (703) 603–0522.
Triadimenol, 7008	EPA–HQ–OPP–2016–0114	Christina Motilall, *motilall.christina@epa.gov,* (703) 603–0522.

B. Docket Content

1. *Review dockets.* The registration review dockets contain information that the Agency may consider in the course of the registration review. The Agency may include information from its files including, but not limited to, the following information:

- An overview of the registration review case status.
- A list of current product registrations and registrants.
- **Federal Register** notices regarding any pending registration actions.
- **Federal Register** notices regarding current or pending tolerances.
- Risk assessments.
- Bibliographies concerning current registrations.
- Summaries of incident data.
- Any other pertinent data or information.

Each docket contains a document summarizing what the Agency currently knows about the pesticide case and a preliminary work plan for anticipated data and assessment needs. Additional documents provide more detailed information. During this public comment period, the Agency is asking that interested persons identify any additional information they believe the Agency should consider during the registration reviews of these pesticides. The Agency identifies in each docket the areas where public comment is specifically requested, though comment in any area is welcome.

2. *Other related information.* More information on these cases, including the active ingredients for each case, may be located in the registration review schedule on the Agency's Web site at *https://www.epa.gov/pesticide-reevaluation/registration-review-schedules.* Information on the Agency's registration review program and its implementing regulation may be seen at *http://www.epa.gov/pesticide-reevaluation/registration-review-process.*

3. *Information submission requirements.* Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the

submitted data or information must meet the following requirements:

- To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.
- The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English and a written transcript must accompany any information submitted as an audiographic or videographic record. Written material may be submitted in paper or electronic form.
- Submitters must clearly identify the source of any submitted data or information.
- Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

Authority: 7 U.S.C. 136 *et seq.*

Dated: March 31, 2016.

Yu-Ting Guilaran,

Director, Pesticide Re-evaluation Division, Office of Pesticide Programs.

[FR Doc. 2016–08280 Filed 4–8–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2016–0167; FRL–9944–32]

Chlorpyrifos, Diazinon, and Malathion Registration Review; Draft Biological Evaluations; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing the availability of the draft biological evaluations for the registration reviews of all uses of chlorpyrifos, diazinon, and malathion for public review and comment. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects. Through the registration review program, EPA is ensuring that each pesticide's registration is based on the most current scientific methods. Furthermore, EPA is meeting its obligation under section 7 of the Endangered Species Act by ensuring that each pesticide's registration is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat.

DATES: Comments must be received on or before June 10, 2016.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2016–0167, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For pesticide specific information contact:* The Chemical Review Manager for the pesticide of interest identified in the following table.

Registration review case name and No.	Pesticide docket ID No.	Chemical review manager, telephone number, email address
Chlorpyrifos, 100	EPA–HQ–OPP–2008–0850	Dana Friedman, 703–347–8827, *friedman.dana@epa.gov.*
Diazinon, 238	EPA–HQ–OPP–2008–0351	Khue Nguyen, 703–347–0248, *nguyen.khue@epa.gov.*
Malathion, 248	EPA–HQ–OPP–2009–0317	Steven Snyderman, 703–347–0249, *Snyderman.steven@epa.gov.*

For general questions on the registration review program, contact: Richard Dumas, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8015; email address: *dumas.richard@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides and/or the potential impacts of pesticide use on listed species and designated critical habitat. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager for the pesticide of interest identified under **FOR FURTHER INFORMATION CONTACT**.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at

http://www.epa.gov/dockets/comments.html.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. Executive Summary

A. What action is the agency taking?

EPA is providing an opportunity for public review of its draft biological evaluations for the registration reviews of chlorpyrifos, diazinon, and malathion. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects. As part of the registration review process, the Agency has completed comprehensive draft biological evaluations for all chlorpyrifos, diazinon, and malathion uses.

These draft biological evaluations represent the first ever nationwide assessments of these pesticides to federally endangered and threatened species (*i.e.,* listed species) and designated critical habitat. The interim scientific methods used in these draft biological evaluations were developed collaboratively with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS), hereafter referred to as the Services, based on recommendations from the April 2013 National Academy of Sciences (NAS) report "Assessing Risks to Endangered and Threatened Species from Pesticides." As part of this effort, the U.S. Department of Agriculture has provided expertise on crop production and pesticide uses and assistance with the use of the National Agricultural Statistics Service Cropland Data Layer to help define the footprint of agricultural use patterns.

After reviewing comments received during the public comment period, EPA will issue revised final biological evaluations, explain any changes, respond to comments, and may request public input on risk mitigation before completing proposed registration review decisions for chlorpyrifos, diazinon, and malathion. For those species and designated critical habitats where registered uses of the pesticides are "likely to adversely affect" species and/or habitat, USFWS and NMFS will utilize the analyses and data from the biological evaluations in their final Biological Opinions for each of the three chemicals.

B. What is the agency's authority for taking this action?

EPA is conducting its registration review of chlorpyrifos, diazinon, and malathion pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.,* and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered, or remain registered, only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment.

EPA develops endangered species biological evaluations and consults with the Services pursuant to section 7(a)(2) of the Endangered Species Act (ESA), 16 U.S.C. 1531 *et seq.,* and the implementing regulations at 50 CFR part 402.

III. Registration Reviews

As directed by FIFRA section 3(g), EPA is reviewing the pesticide registrations for chlorpyrifos, diazinon, and malathion to ensure that these registrations continue to satisfy the FIFRA standard for registration—that is, that chlorpyrifos, diazinon, and malathion can still be used without unreasonable adverse effects.

EPA has been collaborating with the Services to develop interim scientific approaches to assess the impact of pesticides on listed species and designated critical habitat, as required by ESA and as recommended by the April 2013 NAS report. Chlorpyrifos, diazinon, and malathion were selected for the development and implementation of these interim approaches because these pesticides were included in the first Biological Opinion issued by NMFS in response to litigation brought by the Washington Toxics Coalition (WTC) with regard to salmonids in the Pacific Northwest. This Biological Opinion was later remanded to NMFS by the U.S. Court of Appeals for the 3rd Circuit. The interim scientific approaches used in the draft biological evaluations for chlorpyrifos, diazinon, and malathion were developed based on a collaborative effort among the agencies, and will be refined based on the public comments received on the draft biological evaluations as well as input from an ESA stakeholder workshop planned for the summer of 2016. More information on this process is available at *https://www.epa.gov/endangered-species/implementing-nas-report-recommendations-ecological-risk-assessment-endangered-and.*

Chlorpyrifos is an organophosphate (OP) insecticide, acaricide, and miticide used to control a variety of insects on a variety of food and feed crops. Currently registered uses include a variety of fruits, nuts, vegetables, grains, and non-agricultural areas (such golf course turf, industrial sites, greenhouses and nurseries, sod farms, and wood products). Public health uses include aerial and ground-based fogger treatments to control mosquitoes. There are also residential uses of ant and roach bait products and fire ant mound treatments. EPA has completed a draft biological evaluation to assess whether all registered uses of chlorpyrifos may affect listed species and designated critical habitat. The chlorpyrifos draft biological evaluation is viewable at: *https://www.epa.gov/endangered-species/biological-evaluation-chapters-chlorpyrifos.* Comments on the draft biological evaluation for chlorpyrifos should be submitted to the chlorpyrifos registration review docket (EPA–HQ–OPP–2008–0850) at *http://www.regulations.gov.*

Diazinon is a restricted use OP insecticide currently registered for use on a number of fruits, vegetables, nuts, ornamentals, and in cattle ear tags. All residential uses were phased out as part of risk mitigation during reregistration, and there are currently no residential uses. EPA has completed a draft biological evaluation to assess whether all registered uses of diazinon may affect listed species and designated critical habitat. The diazinon draft biological evaluation is viewable at: *https://www.epa.gov/endangered-species/biological-evaluation-chapters-diazinon.* Comments on the draft biological evaluation for diazinon should be submitted to the diazinon registration review docket (EPA–HQ–OPP–2008–0351) at *http://www.regulations.gov.*

Malathion is a non-systemic, wide spectrum OP. It is used in the agricultural production of a wide variety of food/feed crops to control insects such as aphids, leafhoppers, and Japanese beetles. Malathion is also used in USDA's Cotton Boll Weevil Eradication Program, Fruit Fly (Medfly) Control Program, and for mosquito-borne disease control. It is also registered for outdoor residential uses which include vegetable gardens, home orchards, and ornamentals. EPA has completed a draft biological evaluation to assess whether all registered uses of malathion may affect listed species and designated critical habitat. The draft malathion biological evaluation is viewable at: *https://www.epa.gov/endangered-species/biological-evaluation-chapters-malathion.* Comments on the draft biological evaluation for malathion should be submitted to the malathion registration review docket (EPA–HQ–OPP–2009–0317) at *http://www.regulations.gov.*

IV. Public Review and Comment Opportunity

Pursuant to 40 CFR 155.53(c), EPA is providing an opportunity, through this notice of availability, for interested parties to provide comments and input concerning the Agency's draft biological evaluations for chlorpyrifos, diazinon, and malathion. Such comments and input could address, among other things, the Agency's risk assessment methodologies and assumptions, as applied to these draft biological evaluations. The Agency will consider all comments received during the public comment period and make changes, as appropriate, to the draft biological evaluations. EPA will then issue final biological evaluations, explain any changes to the draft biological evaluations, and respond to comments. For those species and designated critical habitats where registered uses of the pesticides are "likely to adversely affect" species and/or habitat, USFWS and NMFS will utilize the analyses and data from the biological evaluations in their final Biological Opinions for each of the three chemicals. The final Biological Opinions for the three chemicals are currently scheduled for December 2017. In the Federal Register notice announcing the availability of the final biological evaluations, if the final biological evaluations indicate risks of concern, the Agency may provide a comment period for the public to submit suggestions for mitigating the risk identified in the final biological evaluations before developing proposed registration review decisions for chlorpyrifos, diazinon, and malathion.

1. *Other related information.* Additional information on endangered species risk assessment and the NAS report recommendations are available at *https://www.epa.gov/endangered-species/implementing-nas-report-recommendations-ecological-risk-assessment-endangered-and.* Information on the Agency's registration review program and its implementing regulation is available at *https://www.epa.gov/pesticide-reevaluation.*

2. *Information submission requirements.* Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

- To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.
- The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English, and a written transcript must accompany any information submitted as an audiographic or videographic record. Written material may be submitted in paper or electronic form.
- Submitters must clearly identify the source of any submitted data or information.
- Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

Authority: 7 U.S.C. 136 *et seq.*

Dated: March 28, 2016.

Michael Goodis,

Acting Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2016–08279 Filed 4–8–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9944–85–Region 1]

2016 Spring Joint Meeting of the Ozone Transport Commission and the Mid-Atlantic Northeast Visibility Union

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: The United States Environmental Protection Agency is announcing the joint 2016 Spring Meeting of the Ozone Transport Commission (OTC) and the Mid-Atlantic Northeast Visibility Union (MANE–VU). The meeting agenda will include topics regarding reducing ground-level ozone precursors and matters relative to Regional Haze and visibility improvement in Federal Class I areas in a multi-pollutant context.

DATES: The meeting will be held on June 3, 2016 starting at 9:15 a.m. and ending at 4:00 p.m.

ADDRESSES: Palomar Philadelphia, 117 South 17th Street, Philadelphia, PA 19103, 215–563–5006.

FOR FURTHER INFORMATION CONTACT:

For documents and press inquiries contact: Ozone Transport Commission, 444 North Capitol Street NW., Suite 322, Washington, DC 20001; (202) 508–3840; email: *ozone@otcair.org;* Web site: *http://www.otcair.org.*

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1990 contain at section 184 provisions for the Control of Interstate Ozone Air Pollution. Section 184(a) establishes an Ozone Transport Region (OTR) comprised of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, parts of Virginia and the District of Columbia. The purpose of the OTC is to deal with ground-level ozone formation, transport, and control within the OTR.

The Mid-Atlantic/Northeast Visibility Union (MANE–VU) was formed in 2001, in response to EPA's issuance of the Regional Haze rule. MANE–VU's members include: Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, the Penobscot Indian Nation, the St. Regis Mohawk Tribe along with EPA and Federal Land Managers.

Type of Meeting: Open.

Agenda: Copies of the final agenda will be available from the OTC office (202) 508–3840; by email: *ozone@*

otcair.org or via the OTC Web site at *http://www.otcair.org.*

Dated: March 28, 2016.

H. Curtis Spalding,

Regional Administrator, Region I.

[FR Doc. 2016–08277 Filed 4–8–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2007–0099; FRL–9944–33]

Flubendiamide; Notice of Receipt of Request To Voluntarily Cancel a Pesticide Product Registration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is issuing a notice of receipt of a request by the registrant to voluntarily cancel two flubendiamide end-use products. The request would delete the registrations of the flubendiamide products SYNAPSE WG Insecticide (EPA Reg. No. 264–1026) and SYNAPSE 480 Insecticide (EPA Reg. No. 264–1107). EPA intends to grant this request, unless the registrant withdraws its request. If this request is granted, any sale or distribution of the products listed in this notice will not be permitted after the registration has been cancelled as described in the final order.

DATES: Comments must be received on or before May 11, 2016.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2007–0099, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Susan Lewis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Background on the Receipt of Request To Cancel Registration

This notice announces receipt by EPA of a request from Bayer CropScience LP, P.O. Box 12014, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709–2014 to cancel two specific flubendiamide end-use product registrations as identified in Tables 1 and 2 of Unit III. Specifically, Bayer CropScience LP submitted written requests to voluntarily cancel SYNAPSE WG Insecticide (EPA Reg. No. 264–1026) on December 12, 2014, and SYNAPSE 480 Insecticide (EPA Reg. No. 264–1107) on March 21, 2016. Bayer confirmed that neither formulation is commercially active.

III. What action is the agency taking?

This notice announces receipt by EPA of a request from Bayer CropScience LP to cancel their registrations for two specific flubendiamide product registrations. The affected products and the registrant making the request are identified in Tables 1 and 2 of this unit. Unless the request is withdrawn by the registrant, EPA intends to issue an order cancelling the affected registration.

TABLE 1—FLUBENDIAMIDE PRODUCT REGISTRATION WITH PENDING REQUEST FOR CANCELLATION

Registration No.	Product name	Company
264–1026	SYNAPSE WG Insecticide.	Bayer CropScience LP.
264–1107	SYNAPSE 480 Insecticide.	Bayer CropScience LP.

Table 2 of this unit includes the name and address of record for the registrant of the products listed in Table 1 of this unit. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 of this unit.

TABLE 2—REGISTRANT REQUESTING VOLUNTARY CANCELLATION

EPA company No.	Company name and address
264	Bayer CropScience LP, P.O. Box 12014, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709–2014.

IV. What is the agency's authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may, at any time, request that any of its pesticide registrations be cancelled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register.**

Section 6(f)(1)(B) of FIFRA (7 U.S.C. 136d(f)(1)(B)) requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, FIFRA section 6(f)(1)(C) (7 U.S.C. 136d(f)(1)(C)) requires that EPA provide a 180-day comment period on a request for voluntary cancellation or termination or any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or
2. The EPA Administrator determines that continued use of the pesticide would pose an unreasonable adverse effects to the environment. The flubendiamide registrant has requested that EPA waive the 180-day comment period for this action. Accordingly, EPA is providing a 30-day comment period on the proposed requests.

V. Procedures for Withdrawal of Requests

Registrants who choose to withdraw a request for product cancellation or use deletion should submit the withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the action. If the request for voluntary cancellation is granted, the Agency intends to publish the cancellation order in the **Federal Register**.

In any order issued in response to this request for cancellation of SYNAPSE WG Insecticide and SYNAPSE 480 Insecticide, EPA proposes to include the following provisions for the treatment of any existing stocks of the products listed in Tables 1 and 2 of Unit III.

The registrant and distributors may not sell or distribute existing stocks of the product. Users with existing stocks of the cancelled product can use the product until supplies are exhausted, provided that such use is consistent with the terms of the previously approved labeling on, or that accompanied, the cancelled product. Thereafter, registrants and any distributors of the product will be prohibited from selling or distributing the product identified in Table 1 of Unit III., except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal. Any additional information will be set forth in a cancellation order after the products have been cancelled.

Authority: 7 U.S.C. 136 *et seq.*

Dated: March 30, 2016.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2016–08273 Filed 4–8–16; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0139]

Information Collection Approved by the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for a revision of a currently approved public information collection pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). An agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number, and no person is required to respond to a collection of information unless it displays a currently valid control number. Comments concerning the accuracy of the burden estimates and any suggestions for reducing the burden should be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.

FOR FURTHER INFORMATION CONTACT: Cathy Williams, Office of the Managing Director, at (202) 418–2918, or email: *Cathy.Williams@fcc.gov.*

SUPPLEMENTARY INFORMATION: The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–0139.

OMB Approval Date: November 9, 2015.

OMB Expiration Date: November 30, 2018.

Title: Application for Antenna Structure Registration.

Form Number: FCC Form 854.

Respondents: Individuals or households, business or other for-profit entities, not-for-profit institutions and State, local or Tribal governments.

Number of Respondents and Responses: 2,400 respondents; 57,100 responses.

Estimated Time per Response: .33 hours to 2.5 hours.

Frequency of Response: On occasion reporting requirement, recordkeeping requirement and third party disclosure reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in Sections 1, 2, 4(i), 303, and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 303, and 309(j), Section 102(C) of the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4332(C), and Section 1506.6 of the regulations of the Council on Environmental Quality, 40 CFR 1506.6.

Total Annual Burden: 25,682 hours.

Total Annual Cost: $1,176,813.

Nature and Extent of Confidentiality: Respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR 0.459 of the Commission's rules.

Privacy Act Impact Assessment: Yes. This information collection contains personally identifiable information on individuals which is subject to the Privacy Act of 1974. Information on the FCC Form 854 is maintained in the Commission's System of Records, FCC/WTB–1, "Wireless Services Licensing Records." These licensee records are publicly available and routinely used in accordance of subsection b of the Privacy Act, 5 U.S.C. 552a(b), as amended. Taxpayer Identification Numbers (TINs) and materials that are afforded confidential treatment pursuant to a request made under 47 CFR 0.459 of the Commission's rules will not be available for public inspection.

Needs and Uses: The purpose of FCC Form 854 is to, among other things, register antenna structures (radio towers) that are used for communication services regulated by the Commission and make changes to existing antenna structure registrations or pending applications for registration. As discussed below, the Commission revised FCC Form 854 to implement measures adopted in a Report and Order, FCC 14–117, and sought Office of Management and Budget (OMB) approval for this revised information collection.

The Commission revised this information collection due to the adoption of FCC 14–117, Report and Order, which streamlined and eliminated outdated provisions of the Commission's Part 17 rules governing the construction, marking, and lighting of antenna structures. The changes to this collection are necessary to implement two of the updates adopted in the Report and Order. The first, 17.4(j), requires owners of certain antenna structures to file FCC Form 854 with the Commission if there is any change or correction in the overall height of one foot or greater or coordinates of one second or greater in longitude or latitude of a registered antenna structure. This change will increase the number of these forms filed, or responses for this collection, by approximately 100 per annum. The second change, found in 17.4(b), requires owners to note on FCC Form 854 that the registration is voluntary if the antenna structure is otherwise not required to be registered under section 17.4. For this, an additional checkbox will be added to Form 854, but this revision will not increase the collection's average burden per response. These changes will enable the Commission to further modernize its rules while adhering to its statutory responsibility to prevent antenna structures from being hazards to air navigation.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2016–08217 Filed 4–8–16; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 26, 2016.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *The RLP 2012 Children's Trust, Panama City, Florida, and Johnna Lombard, Trustee,* Manhasset, New York; to acquire voting shares of PrimeSouth Bancshares, Inc., and thereby indirectly acquire voting shares of PrimeSouth Bank, both in Tallassee, Alabama.

B. Federal Reserve Bank of St. Louis (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *Jeffery F. Teague and Sarah Shell Teague, as co-trustees of the Jeffery F. Teague and Sarah Shell Teague Joint Revocable Trust, all of El Dorado, Arkansas; Susan Shell Allison, individually, and as trustee of the Susan Allison Testamentary Trust with power to vote shares owned by her two minor children, all of Benton, Arkansas; Joseph Shell, individually, and as trustee of the Joe Shell Testamentary Trust with power to vote shares owned by the Hanna Shell Irrevocable Trust, and by his minor child, all of Batesville, Arkansas; Jay Shell with power to vote shares held by Carolyn Southerland Shell Testamentary Trust and by High Point Farms, Jayme Shell, Jessica Shell, Mary K. Shell, all of Batesville, Arkansas; and John Allison, and Anna Allison,* both of Benton, Arkansas, all as members of the Allison-Shell-Teague family control group; to retain voting shares of Citizens Bancshares of Batesville, and thereby indirectly retain voting shares of The Citizens Bank, both in Batesville, Arkansas.

Board of Governors of the Federal Reserve System, April 6, 2016.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2016–08204 Filed 4–8–16; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0235; Docket No. 2015–0001; Sequence 13]

General Services Administration Acquisition Regulation; Submission for OMB Review; Federal Supply Schedule Pricing Disclosures

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division is submitting a request to the Office of Management and Budget (OMB) to review and approve an extension of a previously approved information collection requirement regarding General Services Administration Acquisition Regulation clause 552.238–75, Price Reductions, otherwise known as the Price Reductions clause.

The requested extension has been renamed "Federal Supply Schedule Pricing Disclosures" because it now includes a burden estimate for Commercial Sales Practices disclosures. The information collected is used to establish and maintain Federal Supply Schedule pricing and price related terms and conditions. A notice was published in the **Federal Register** at 80 FR 72060 on November 18, 2015. One comment was received.

DATES: Submit comments on or before: May 11, 2016.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link "Submit a Comment" that corresponds with "Information Collection 3090–0235, Federal Supply Schedule Pricing Disclosures." Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "Information Collection 3090–0235, Federal Supply Schedule Pricing Disclosures" on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Hada Flowers/IC 3090–0235, Federal Supply Schedule Pricing Disclosures.

Instructions: Please submit comments only and cite Information Collection 3090–0235, Federal Supply Schedule Pricing Disclosures, in all correspondence related to this collection. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Matthew McFarland, General Services Acquisition Policy Division, 202–690–9232 or *matthew.mcfarland@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

GSA's Federal Supply Schedule (FSS) program, commonly known as the GSA Schedules program or Multiple Award Schedule (MAS) program, provides federal agencies with a simplified process for acquiring commercial supplies and services. The FSS program is the Government's preeminent contracting vehicle, accounting for approximately 10 percent of all federal contract dollars, with approximately $33 billion in purchases made through the program in fiscal year 2015.

GSA is requesting an extension of a previously approved information collection requirement related to one of the major components of the FSS program, General Services Administration Acquisition Regulation (GSAR) clause 552.238–75, Price Reductions, otherwise known as the Price Reductions clause. However, this requested extension has been renamed "Federal Supply Schedule Pricing Disclosures" because it now includes a burden estimate for Commercial Sales Practices disclosures.

FSS Pricing Practices

GSA establishes price reasonableness on its FSS contracts by comparing a contractor's prices and price-related terms and conditions with those offered to their other customers. Through analysis and negotiations, GSA establishes a favorable pricing relationship in comparison to one of the contractor's customers (or category of customers) and then maintains that pricing relationship for the life of the contract. In order to carry out this practice, GSA collects pricing information through Commercial Sales Practices (CSP) disclosures and enforces the pricing relationship through General Services Administration Acquisition Regulation (GSAR) clause 552.238–75, Price Reductions, commonly known as the Price Reductions clause (PRC).

Commercial Sales Practices (CSP): In accordance with GSAR 515.408(a)(2), offerors submit information in the Commercial Sales Practices Format provided in the solicitation, following the instructions at GSAR Figure 515.4–2, or submit information in their own format. In addition to when an offer is submitted, CSP disclosures are also collected prior to executing bilateral modifications for exercising a contract option period, adding items to the contract, or increasing pricing under the Economic Price Adjustment clause (GSAR 552.216–70).

Price Reductions Clause (PRC): GSAR 538.273(b)(2) prescribes the PRC for use in all FSS solicitations and contracts. The clause is intended to ensure the Government maintains its price/discount (and/or term and condition) advantage in relation to the contractor's customer (or category of customer) upon which the FSS contract is based. The basis of award customer (or category of customer) is identified at the conclusion of negotiations and noted in the contract. Thereafter, the PRC requires FSS contractors to inform the contracting officer of price reductions within 15 calendar days. Per GSAR 552.238–75(c)(1),

> A price reduction shall apply to purchases under this contract if, after the date negotiations conclude, the Contractor—
>
> (i) Revises the commercial catalog, pricelist, schedule or other document upon which contract award was predicated to reduce prices;
>
> (ii) Grants more favorable discounts or terms and conditions than those contained in the commercial catalog, pricelist, schedule or other documents upon which contract award was predicated; or
>
> (iii) Grants special discounts to the customer (or category of customers) that formed the basis of award, and the change disturbs the price/discount relationship of the Government to the customer (or category of customers) that was the basis of award.

41 U.S.C. 152(3)(B) requires FSS ordering procedures to "result in the lowest overall cost alternative to meet the needs of the Federal Government." CSP disclosures and the PRC ensure GSA meets this objective by giving it insight into a contractor's pricing practices, which is proprietary information that can only be obtained directly from the contractor.

Information Collection Changes and Updates

GSA has revised this information collection by adding CSP disclosure burden estimates, renaming the information collection, and updating figures.

Including the CSP Disclosure Burden: GSA is adding CSP disclosure burden estimates to this information collection because of comments received for its Transactional Data Reporting proposed rule (GSAR case 2013–G504), published in the **Federal Register** at 80 FR 11619, on March 4, 2015. GSA proposed to amend the GSAR to include a clause that would require FSS vendors to report transactional data from orders and prices paid by ordering activities. The new clause would be paired with changes to the basis of award monitoring, or "tracking customer," requirement of the existing Price Reductions clause, resulting in a burden reduction for participating FSS contractors. The proposed rule also noted, ". . . GSA would maintain the right throughout the life of the FSS contract to ask a vendor for updates to the disclosures made on its [CSP] format . . . if and as necessary to ensure that prices remain fair and reasonable in light of changing market conditions."

In comments received regarding the proposed rule, industry respondents indicated retaining CSP disclosures would cancel out any burden reduction achieved by eliminating the PRC tracking customer requirement. Specifically, respondents were concerned that CSP disclosures still force them to monitor their commercial prices, which ultimately causes the associated burden for both disclosure requirements. In response, GSA agrees the burden of the PRC and CSP is related and is therefore including CSP disclosure burden estimates in this information collection extension request.

Renaming the Information Collection: GSA is changing the information collection name from "Price Reductions Clause" to "Federal Supply Schedule Pricing Disclosures" to more accurately reflect the scope of the information collected.

Updated Figures: The following figures were updated for the current information collection:

- Increased the number of FSS contracts and vendors from 19,000 FSS contracts held by 16,000 vendors to 20,094 FSS contracts were held by 17,302 vendors.
- Increased the number of price reduction modifications from 1,560 to 2,148.
- Decreased the number of GSA OIG pre-award audits from an average of 70 to 59.
- Increased the estimated annual time burden from 868,920 hours to 1,324,343 hours.
- Increased the estimated annual cost burden; the new estimated annual cost burden is $90,055,353. The 2012 information collection did not provide a cost burden estimate, but if the same hourly rate ($68) was applied to the 2012 time burden, the 2012 cost burden would have been $59,086,560.

B. Annual Reporting Burden

This information collection applies to all companies that held, or submitted offers for, FSS contracts. In fiscal year 2014:

- 20,094 contracts were active, including 1,411 contracts that were awarded and 2,213 contracts that ended over that time period.
- 17,302 companies held FSS contracts (some companies held more than one contract).

- 3,464 offers were submitted for FSS contracts.

However, the number of responses consists of the number of CSP disclosures and price reduction notifications made in FY2014, as well as the average number of GSA Office of Inspector General audits performed between fiscal years 2012 and 2014.

Heavier Lifts and Lighter Lifts

FSS contracts are held by a diverse set of companies, which vary in terms of business size, offerings, and FSS sales volume. For example, in fiscal year 2014:

- 32.8 percent, or 5,673 companies, reported $0 in FSS contracts.
- 5.6 percent, or 975 companies, accounted for 80 percent of all FSS sales.
- The top 20 percent of FSS contractors (in terms of FY2014 sales) accounted for 95.7 percent of FSS sales.
- Only 2.6 percent of FSS contractors reported more than $1 million in FSS sales.

In general, a contractor's FSS sales volume will have the greatest effect on the associated burden of these requirements, although the number and type of offerings, and business structure, can also be significant factors. As shown by the above figures, a relatively small number of FSS contractors account for the vast majority of FSS sales and accordingly, likely bear a heavier burden for these requirements. Conversely, the majority of FSS vendors, which are typically small businesses with lower sales volume, absorb a lighter burden for these requirements.

To account for the differences among FSS contractors, GSA is utilizing the Pareto principle, or "80/20 rule," which states 80 percent of effects comes from 20 percent of the population. Accordingly, GSA is separating FSS contractors among those that have a "heavier lift" (20 percent) from those that have a "lighter lift" (80 percent). Contractors with heavier lifts are those with the characteristics that lead to increased burden—more sales volume, higher number of contract items, more complex offerings, more transactions, more complex transactions, and/or intricate business structures. This methodology is used for several components of the burden analysis.

Cost Burden Calculation

The estimated cost burden for respondents was calculated by multiplying the burden hours by an estimated cost of $68/hour ($50/hour with a 36 percent overhead rate).

Price Reductions Clause

For this information collection clearance, GSA attributes the PRC-related burden to training, compliance systems, and audits, as well as a burden associated with notifying GSA of price reductions within 15 calendar days after their occurrence.

Training: FSS contractors provide training to their employees to ensure compliance with FSS pricing disclosure requirements. In FY2014, there were 17,302 contractors, 3,460 (20 percent) with a heavier lift and 13,842 (80 percent) with a lighter lift. Contractors within the heavier lift category may need to develop formal training programs and conduct training for numerous divisions and offices, while contractors in the lighter lift category may have no need for training design and administration due to having as few as one person responsible for PRC compliance.

Training—Heavier Lift

Total Annual Responses: *3,460*
Average Hours per Response: *40*
Total Time Burden (Hours): *138,400*
Total Cost Burden: *$9,411,200*

Training—Lighter Lift

Total Annual Responses: *13,842*
Average Hours per Response: *20*
Total Time Burden (Hours): *276,840*
Total Cost Burden: *$18,825,120*

Compliance Systems: FSS contractors must develop systems to control discount relationships with other customers/categories of customer to ensure the basis of award pricing relationship is not disturbed. In response to the 2012 information collection request, the Coalition for Government Procurement provided the results from a survey it conducted among its members regarding the PRC burden. The Coalition survey results attributed 1,100 burden hours to developing compliance systems. However, GSA believes this figure is only attributable to heavier lift contractors and should be allocated over the 20-year life of an FSS contract because a significant part of a burden is the effort to establish a compliance system that will be used over the life of the contract. GSA is attributing a total of 600 burden hours to compliance systems for contractors with a lighter lift and is also allocating that burden over a 20-year period. The results are an annual 55-hour burden for heavier lift contractors (1,100 hours divided by 20 years) and an annual 30-hour burden for lighter lift contractors (600 hours divided by 20 years).

In FY2014, there were 17,302 contractors, 3,460 (20 percent) with a heavier lift and 13,842 (80 percent) with a lighter lift:

Compliance Systems—Heavier Lift

Total Annual Responses: *3,460*
Average Hours per Response: *55*
Total Time Burden (Hours): *190,322*
Total Cost Burden: *$12,940,400*

Compliance Systems—Lighter Lift

Total Annual Responses: *13,842*
Average Hours per Response: *30*
Total Time Burden (Hours): *415,248*
Total Cost Burden: *$28,237,680*

Audits: The GSA Office of Inspector General (OIG) performed an average of 59 pre-award audits of FSS contracts between FY2012 and FY2014, according to the OIG's Semiannual Congressional Reports over that time period. Respondents to a 2012 Coalition for Government Procurement survey estimated that approximately 440–470 hours were spent preparing for audits involving the PRC; the 455 hour figure is the median point in the range:

GSA OIG Audits

Total Annual Responses: *59*
Average Hours per Response: *455*
Total Time Burden (Hours): *26,845*
Total Cost Burden: *$1,825,460*

Price Reduction Notifications: 2,148 price reduction modifications were completed in FY14, with each modification requiring a notification from the contractor. In a survey conducted among GSA FSS contracting officers, respondents estimated it took an average of 4.25 hours to complete a price reduction modification. GSA believes FSS contractors bear a similar burden for this task and is therefore using the same burden estimate.

Price Reduction Notifications

Total Annual Responses: *2,148*
Average Hours per Response: *4.25*
Total Time Burden (Hours): *9,129*
Total Cost Burden: *$620,772*

Commercial Sales Practices Disclosures

The CSP burden results from disclosures required of any contractor submitting an offer for an FSS contract or modifying an FSS contract to increase prices, add items and Special Item Numbers, or exercise options. GSA attributed a negotiations burden to the PRC in the previous information collection, but is now including that burden within the CSP disclosure estimates.

The burden estimates for CSP disclosures are based upon the estimates provided by respondents to the GSA FSS contracting officer survey. While the 77 survey respondents provided estimates regarding the amount of time it takes FSS contracting officers to complete CSP-related tasks, GSA believes FSS contractors bear a similar burden for these tasks and is therefore using the same burden estimates.

Pre-award Disclosures: In FY2014, contractors submitted 3,464 offers for FSS contracts, with 693 (20 percent) offerors having a heavier lift (20 percent) and 2,771 (80 percent) with a lighter lift:

Pre-award Disclosures—Heavier Lift

Total Annual Responses: *693*
Average Hours per Response: *41.48*
Total Time Burden (Hours): *28,746*
Total Cost Burden: *$1,954,704*

Pre-award Disclosures—Lighter Lift

Total Annual Responses: *2,771*
Average Hours per Response: *32.41*
Total Time Burden (Hours): *89,808*
Total Cost Burden: *$6,106,951*

Price Increase Modifications: In FY2014, 2,509 price increase modifications were processed, including 502 (20 percent) with a heavier lift and 2,007 (80 percent) with a lighter lift:

Price Increases—Heavier Lift

Total Annual Responses: *502*
Average Hours per Response: *10.45*
Total Time Burden (Hours): *5,246*
Total Cost Burden: *$356,721*

Price Increases—Lighter Lift

Total Annual Responses: *2,007*
Average Hours per Response: *9.71*
Total Time Burden (Hours): *18,404*
Total Cost Burden: *$1,251,485*

Adding Items and Special Item Numbers (SINs): In FY2014, 6,861 modifications to add contract items or SINs were processed, including 1,372 (20 percent) with a heavier lift and 5,489 (80 percent) with a lighter lift:

Addition Modifications—Heavier Lift

Total Annual Responses: *1,372*
Average Hours per Response: *11.13*
Total Time Burden (Hours): *15,270*
Total Cost Burden: *$1,038,384*

Addition Modifications—Lighter Lift

Total Annual Responses: *5,489*
Average Hours per Response: *10.65*
Total Time Burden (Hours): *58,458*
Total Cost Burden: *$3,975,134*

Exercising Options: In FY2014, 2,237 modifications to exercise options were processed, including 447 (20 percent) with a heavier lift and 1,790 (80 percent) with a lighter lift:

Option Modifications—Heavier Lift

Total Annual Responses: *447*
Average Hours per Response: *26.14*
Total Time Burden (Hours): *11,685*
Total Cost Burden: *$794,551*

Option Modifications—Lighter Lift

Total Annual Responses: *1,790*
Average Hours per Response: *22.32*
Total Time Burden (Hours): *39,953*
Total Cost Burden: *$2,716,790*

Total Annual Burden

The total estimated burden imposed by Federal Supply Schedule pricing disclosures is as follows:

Estimated Annual Time Burden (Hours)

Price Reductions Clause: *1,056,774*
CSP Disclosures: *267,569*
Total Annual Time Burden: *1,324,343*

Estimated Annual Cost Burden

Price Reductions Clause: *$71,860,632*
CSP Disclosures: *$18,194,721*
Total Annual Cost Burden: *$90,055,353*

C. Discussion and Analysis

A notice of request for comments regarding the extension of Information Collection 3090–0235, Federal Supply Schedule Pricing Disclosures, was published in the **Federal Register** at 80 FR 72060 on November 18, 2015. One respondent provided comments on (1) whether FSS pricing disclosures are necessary and have practical utility, and (2) if GSA's estimates of the collection burden are accurate, and based on valid assumptions and methodology. The following are summaries of those comments and GSA's responses:

Comment: The respondent stated these pricing disclosures no longer have practical utility because pricing under the FSS program is primarily driven by order-level competition. In regards to the Price Reductions clause (PRC), the respondent stated the following:

- GSA's notice of proposed rulemaking for GSAR case 2013–G504, Transactional Data Reporting, which stated "only about 3 percent of the total price reductions received under the price reductions clause were tied to the 'tracking customer' feature. The vast majority (approximately 78 percent) came as a result of commercial pricelist adjustments and market rate changes, with the balance for other reasons." [1]
- The respondent's member organizations "overwhelmingly reported that competition in response to known requirements is the most significant driver of reduced pricing for customer agencies."
- The PRC limits contractors in their ability to offer discounts to certain commercial clients, which undermines competition in the commercial marketplace.

In regards to Commercial Sales Practices (CSP) disclosures, the respondent stated:

- "The current CSP format for disclosures does not provide for consideration of the existing GSA Schedule ordering procedures, creates ambiguity in disclosure requirements, and requires the release of data that exceeds the needs of the government to negotiate fair and reasonable prices."
- The CSP was developed at a time when the commercial marketplace was less volatile and contractors generally had standard prices and pricelists. However, this is no longer the case, particularly for the service and high-tech industry sectors. As a result, the respondent's members report "it is difficult to determine how to respond to and appropriately disclose information requested in the CSP format."

Response: The PRC and CSP disclosures are a means for GSA to meet its obligation under 41 U.S.C. 152(3)(B), which requires FSS ordering procedures to "result in the lowest overall cost alternative to meet the needs of the Federal Government." However, GSA is exploring alternatives to these practices. For example, GSA's Transactional Data Reporting proposed rule would require FSS contractors to report to GSA transactional data—including descriptions of the items purchased, quantities, and prices paid—on orders placed under their FSS contracts. GSA's experience with transactional data has shown it can lead to better contract-level and order-level prices. As part of GSA's Transactional Data Reporting proposed rule, GSA proposed removing the basis of award requirement of the PRC when FSS contractors agreed to report transactional data to GSA.[2]

Comment: The respondent stated the "higher lift" versus "lighter lift" assumptions are not appropriate because its member organizations, consisting of both small businesses and large businesses, and both types use consultants and attorneys to assist in completing pre-award CSP disclosures, which aligns both types closer to the higher lift burden estimates.

Response: GSA used this approach to account for the vast disparity in burden among FSS contractors. The amount of "lift" required by a contractor can be affected by factors such as business size, sales volume, and contract-type. The following illustrations show how the burden can vary by each factor:

- A larger business will encounter more obstacles in meeting these requirements, such as coordinating between multiple offices and business lines, than a smaller business with fewer customers.
- Schedule contractors with higher sales volume will likely encounter more situations that require pricing disclosures than those with no sales.
- A higher number of FSS contract line-items require more expansive CSP

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[1] *See* GSAR Case 2013–G504; Docket 2014–0020; Sequence 1 [80 FR 11619 (Mar. 4, 2015)].

[2] *Id.*

disclosures and broader PRC basis of award customer monitoring. Typically, product-oriented contracts have more line-items than a service contract and therefore face a higher burden.

Since a single factor alone does not determine a contractor's lift, as these factors are independent of each other (*e.g.* business size does not determine sales volume or contract-type), it would be inappropriate to categorize vendors along business or contract attributes. On the other hand, it is appropriate to separate the burden between heavier lift and lighter lift because there are marked differences in the compliance burden. While many contractors do absorb a higher compliance burden, they are not representative of the Schedules program. The following fiscal year 2014 figures illustrate why most vendors would not fall into the heavier lift category:

- Other-than-small businesses accounted for 63% of the total sales but only held 20% of the FSS contracts.
- The top 20 percent of FSS contractors, in terms of FY2014 sales, accounted for 95.7 percent of the overall FSS sales volume.
- 82% of sales were under Schedules that had a majority of sales under service-related SINs, while 18% of sales were made under Schedules that had a majority of sales under product-related SINs. Typically, majority-product contracts have more line items and require a higher burden for FSS pricing disclosure requirements. Some of the majority-service Schedules contain product-related SINs, meaning the service-related sales portion could be under 82%, but service-related sales still undoubtedly account for a majority of the overall FSS sales volume.

Comment: The PRC burden does not account for monitoring activities beyond establishing electronic systems to track pricing. The respondent's members indicated this burden could potentially be 2,000 hours a year for a heavy lift contractor.

Response: GSA's compliance system burden estimate is the highest of the various PRC components because it included monitoring activities. A compliance system encompasses how a contractor maintains compliance with the PRC. Some contractors may invest in an electronic system that requires high upfront investments but automates ongoing monitoring, while others may opt to manually compare their GSA prices to other classes of customers. Accordingly, GSA considered monitoring activities when evaluating the compliance system burden. GSA's annual compliance system burden estimates consist of annual monitoring activities and an allocated portion of the burden for establishing a compliance system. However, GSA is interested in additional comments on whether monitoring activities would take place outside of a compliance system.

Comment: The compliance systems burden of 1,100 hours was taken from the respondent's comments regarding the 2012 information collection extension but incorrectly spread the burden across a 20-year period. Accordingly, the burden should be 20 times larger than GSA's estimates.

Response: GSA allocated the burden over the full 20-year FSS contract life-cycle because contractors will not establish a new compliance system each year. Typically, a contractor will establish a compliance "system"—which may entail electronic tools or simply be a procedure to manually review pricing—and then commence monitoring activities. Since the compliance system will not be reestablished each year, it should be allocated over the life of the contract. However, GSA invites comments on whether the compliance system burden should be allocated over the full contract life-cycle or another amount of time, such as a single year or a 5-year option period.

Comment: The CSP burden is underestimated because it does not account for the work that contractors do to prepare a CSP before it is presented to a contracting officer.

Response: GSA considered the upfront work needed to prepare CSPs before they are presented to the contracting officer. However, the contracting officer also spends a considerable amount of time evaluating the CSPs. As such, GSA believes the contractor preparation and contracting officer review burdens are comparable. However, GSA encourages commenters to provide estimates regarding the amount of upfront work needed to prepare a pre-award CSP.

Comment: Several of the respondent's members, most of who fall under the heavy lift category, stated the pre-award CSP burden could exceed 400 hours and the modification preparation burden could be as much as 185 hours.

Response: GSA based its CSP burden estimates on the results of a survey it conducted among its FSS contracting officers. Those results showed a wide variance in the amount of time needed to complete CSP-related activities. For example, FSS contracting officer CSP estimates were as high as 2,400 hours for pre-award CSPs and 206 hours for requests to add items or SINs to the contract. Consequently, statistical methods were used to account for outliers within the responses and provide a reliable average estimate for each component. Specifically, the final averages were calculated using an interquartile mean, derived from an interquartile range (IQR) multiplied by 1.5.

Comment: Contractors that do not maintain standardized pricelists have a more difficult time preparing CSP disclosures and often obtain additional training and/or hire consultants to meet the CSP requirements.

Response: As previously noted, GSA recognized there are several factors that affect the burden and therefore separated contractors into those with heavier lifts and lighter lifts. Contractors that have a difficult time preparing CSP disclosures and therefore choose to obtain additional training and/or hire consultants may fall into the heavier lift category.

Comment: The heavier lift versus lighter lift methodology may not capture all of the heavier lift contractors because many small businesses that would fall in the lighter lift category due to their sales volume still endure a high compliance burden.

Response: As noted above, the heavier lift and lighter lift categories are not determined by a single factor like FSS sales volume; they are reflective of the overall compliance burden. Small businesses with a high compliance burden would fall into the heavier lift category. Conversely, many larger service providers with a high sales volume concentrated in a small number of contracts and fewer contract line-items may fall in the lighter lift category.

Comment: The respondent's small business members report compliance with these disclosure requirements is particularly challenging because unlike larger contractors, they do not have the resources to invest in compliance. This results in a barrier to entry to the FSS program for small innovative firms.

Response: GSA requires these disclosures as one method of meeting its statutory obligations to provide the "lowest cost alternative," but is exploring options to lower burden. As part of GSA's Transactional Data Reporting proposed rule, GSA proposed removing the basis of award requirement of the PRC when FSS contractors agreed to report transactional data to GSA.[3]

Comment: The hourly rate GSA used for its estimates ($68/hour) is understated. For example, some outside consultants hired by contractors to assist with the disclosures may be paid as much as $200 an hour. The respondent recommends GSA measure the burden by the number of hours or determine a more accurate hourly rate.

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[3] *Id.*

Response: The $68/hour rate consists of a $50/hour base rate and $18/hour (36% above the base rate) for fringe benefits. The 36% fringe benefit rate was taken from Office of Management and Budget (OMB) Circular No. A–76, which recommends cost factors to ensure that specific government costs are calculated in a standard and consistent manner to reasonably reflect the cost of performing commercial activities with government personnel. The standard A–76 cost factor for fringe benefits is 36.25%; GSA opted to round to the nearest whole number for the basis of its burden estimates.[4]

Regarding the base rate, GSA believes these disclosure functions are typically performed by contract administrators with occasional assistance from higher-paid professionals, such as attorneys and consultants. The most comparable labor category to a contract administrator that was analyzed by the Bureau of Labor Statistics (BLS) is a buyer and purchasing agent, whose responsibilities include negotiating contracts. BLS's most recently published hourly rate for this type of professional was $28.14/hour;[5] incorporating the 36% fringe benefit factor, the total rate is $38.27/hour. However, GSA chose to use the higher $68/hour rate to account for the occasional involvement of higher-paid professionals.

Comment: The respondent calculates the annual PRC burden to be $850 million when applying GSA's hourly rate ($68/hour) to their estimate of 12.5 million hours a year. As a result, the value of price reductions should exceed $850 million in order for the PRC's benefits to outweigh its costs.

Response: GSA requires these disclosures as one method of meeting its statutory obligations to provide the "lowest cost alternative," but GSA is exploring alternative methods. As part of GSA's Transactional Data Reporting proposed rule,[6] GSA proposed removing the basis of award requirement of the PRC when FSS contractors agreed to report transactional data to GSA.

Comment: The respondent provided comments in opposition to GSAR case 2013–G504, Transactional Data Reporting.

Response: GSA is not providing responses to comments on Transactional Data Reporting because they are not directly related to this information collection request.

D. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 3090–0235, FSS Pricing Disclosures, in all correspondence.

Jeffrey A. Koses,

Director, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2016–08160 Filed 4–8–16; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–16–0017]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Application for Training (OMB No. 0920–0017), Expiration 05/31/2016)—Revision—Division of Scientific Education and Professional Development, Center for Surveillance, Epidemiology and Laboratory Services, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC offers public health training to professionals worldwide. Employees of hospitals, universities, medical centers, laboratories, state and federal agencies, and state and local health departments apply for training to learn up-to-date public health and health care practices. CDC is accredited by multiple accreditation organizations to award continuing education for public health and healthcare professions.

CDC requires health professionals seeking continuing education (learners) to use the Training and Continuing Education Online (TCEO) system to establish a participant account by completing the TCEO New Participant Registration form. CDC/CSELS relies on this form to collect the information needed to coordinate learner registration for training activities including classroom study, conferences, and e-learning.

The TCEO Proposal is a form course developers will use the TCEO system to apply for their training activities to receive continuing education accreditation through CDC. Introduction of this mechanism will allow course developers to electronically complete and submit continuing education proposals.

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[4] *See* Circular A–76 Figure C1, *available at https://www.whitehouse.gov/omb/circulars_a076_a76_incl_tech_correction/.*

[5] *See* the Bureau of Labor Statistics Occupational Outlook Handbook for Buyers and Purchasing Agents, *available at http://www.bls.gov/ooh/business-and-financial/buyers-and-purchasing-agents.htm#tab-1.*

[6] *See* GSAR Case 2013–G504; Docket 2014–0020; Sequence 1 [80 FR 11619 (Mar. 4, 2015)].

CDC requests OMB approval to continue to (1) continue to collect information through the TCEO New Participant Registration form to grant public health professionals the continuing education they need to maintain professional licenses and certifications, create a transcript or summary of training at the participant's request, generate management reports, and maintain training statistics; and (2) establish a new electronic information collection, the TCEO Proposal that allows CDC or CDC partner course developers to electronically submit training and continuing education proposals for accreditation.

CDC's TCEO system provides an efficient and effective way for CDC to comply with accreditation organization requirements. Accreditation organizations require a method of tracking participants who complete an education activity and several require collection of profession-specific data. Some accrediting organizations require a permanent record that includes the participant's name, address, and phone number to facilitate retrieval of historical information about when a participant competed a course or several courses during a time period. These data provide the basis for a transcript or for determining whether a person is enrolled in more than one course. CDC uses the email address to verify the participant's electronic request for transcripts, verify course certificates, and send confirmation that a participant is registered for a course. Collection of demographic and profession-specific data through the TCEO New Participant Registration allows CDC to comply with accreditation organization requirements.

The TCEO Proposal will expedite submission, review, and accreditation processes and provide CDC with the information necessary to meet accreditation organization requirements, accredit, and effectively manage training activities. Examples of data to be collected for CDC to process continuing education proposals and meet accreditation organization requirements includes name, email address, phone number, and organization name.

These forms do not duplicate request for information from participants or course developers. Data are collected only once per new registration or once per course.

These information collection instruments have provided, and will continue to provide CDC with the information necessary to manage and conduct training activities pertinent to its mission to strengthen the skills of the current workforce through quality, accredited, competency-based training.

The annual burden table has been updated to reflect (1) discontinuance of the National Laboratory Training Network Registration form, (2) an increase in learners seeking continuing education, particularly through e-learning activities (16,667 burden hours), (3) the introduction of the new TCEO Proposal (600 burden hours), for a total 17,267 burden hours. There are no costs to respondents.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs)
Health Professionals	Training and Continuing Education Online New Participant Registration Form.	200,000	1	5/60
Health Educators	Training and Continuing Education Online Proposal	120	1	5

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2016–08195 Filed 4–8–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Building Bridges and Bonds (B3) Study: Data Collection.

OMB No.: New Collection.

Description: The Administration for Children and Families (ACF), Office of Planning, Research and Evaluation (OPRE) proposes to collect information as part of the Building Bridges and Bonds (B3) study. B3 will inform policymakers, program operators, and stakeholders about effective ways for fatherhood programs to support fathers in their parenting and employment. In particular, partnering with programs that serve low-income fathers to promote responsible fatherhood, the B3 study will examine the effectiveness of strategies used to (1) engage fathers in program activities, (2) develop and support parenting and co-parenting skills, and (3) advance the employment of disadvantaged fathers. The study will include up to six sites and specific interventions will vary by site.

B3 includes an impact evaluation and a process study. The impact evaluation will involve randomly assigning individuals to a treatment or comparison condition and comparing key outcomes including employment; earnings; child support; father/child contact, shared activities, and relationship quality; father's commitment to his child, parenting skills, and parenting efficacy; co-parenting relationship quality; and criminal justice outcomes.

The process study will describe and document each newly established intervention and how it operated to provide insight into the treatment differentials and the context for interpreting findings of the impact study and highlight lessons to the field.

Data collection instruments for the B3 study include the following: (1) Screening for program eligibility. (2) nFORM management information system (MIS) to record study and participation information. (3) Baseline and follow-up surveys for the impact study. (4) Staff surveys and interviews, focus groups with participants and mothers, mobile device surveys for participants, and post-session debrief forms to inform the process study.

Respondents: Fathers seeking services from one of the six Responsible Fatherhood Programs in the B3 study and staff members working at the B3 sites.

ANNUAL BURDEN ESTIMATES

Instrument	Respondent	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
1—Screening questions for parenting intervention.	Applicant	4,000	1,333	1	0.083	111
	Staff	36	12	111	0.083	111
2—Screening questions for employment intervention.	Applicant	900	300	1	0.250	75
	Staff	12	4	75	0.250	75
3—Consent Materials for Parents of Fathers under 18.	Parent of Applicant.	500	167	1	0.167	28
	Staff	36	12	14	0.167	28
4—B3-specific eligibility data	Applicant	6,400	2,133	1	0.017	36
	Staff	72	24	89	0.017	36
5—B3-specific enrollment data	Applicant	2,700	900	1	0.153	138
	Staff	72	24	38	0.151	138
6—B3 tracking of attendance in services for program group members.	Staff	72	24	363	0.008	70
7—Additional nFORM burden for non-Grantee site.	Applicant	450	150	1	0.250	38
	Staff	12	4	1,969	0.0343	270
8 & 9—Baseline surveys	Applicant	2,842	947	1	0.800	758
10 & 11—6 month follow-up surveys.	Applicant	2,430	810	1	0.667	540
12 & 13—Staff and management semi-structured interviews.	Staff	240	80	2	1.5	240
14 & 15—Staff surveys	Staff	240	80	1	0.667	53
16—Participant focus groups	Applicant	160	53	1	2.0	106
17—Mother Focus Groups	Co-parent of Applicant.	80	27	1	1.0	27
18 & 19—Mobile device surveys	Applicant	1,350	450	5	0.117	263
20—Post-session debrief for sites testing parenting intervention.	Staff	36	12	104	0.083	104

Estimated Total Annual Burden Hours: 3,245.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *OPREinfocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

ACF Reports Clearance Officer.

[FR Doc. 2016–08202 Filed 4–8–16; 8:45 am]

BILLING CODE 4184–73–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Title: Personal Responsibility Education Program (PREP) Performance Measures and Adult Preparation Subjects (PMAPS) Studies—Data Collection Related to the Performance Measures Study.

OMB No.: New Collection.

Description: The Office of Data Analysis, Research, and Evaluation (HHS/ACF/ACYF/ODARE) and the Family and Youth Services Bureau (HHS/ACF/ACYF/FYSB) in the Administration for Children and Families (ACF) propose a data collection activity as part of the Personal Responsibility Education Program (PREP) Performance Measures and Adult Preparation Subjects (PMAPS) Studies. The goals of the PMAPS studies are to collect, analyze, and report on performance measure data for PREP programs and to develop and test Adult Preparation Subjects (APS) conceptual models.

The PMAPS studies consist of two components: The "Performance Measures Study," and the "Adult Preparation Subjects Study." This notice is specific to data collection activities for the Performance Measures Study only. The Performance Measures Study component includes collection and analysis of performance measure data from State PREP (SPREP), Tribal PREP (TPREP), Competitive PREP (CPREP), and Personal Responsibility Education Innovative Strategies (PREIS) grantees. Data will be used to determine if PREP and PREIS grantees are meeting performance benchmarks related to the program's mission and priorities.

Respondents: Performance measurement data collection instruments will be administered to individuals representing SPREP, TPREP, CPREP, and PREIS grantees, their subawardees, and program participants.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Participant Entry Survey	504,279	168,093	1	.25	42,023
Participant Exit Survey	551,847	183,949	1	.50	91,975
Performance reporting system data form—grantees	951	317	2	30	19,020
Performance reporting system data form—subawardees	5,883	1,961	2	14	54,908

Estimated Total Annual Burden Hours: 207,926

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201, Attn: OPRE Reports Clearance Officer. Email address: *OPREinfocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis

Reports Clearance Officer.

[FR Doc. 2016–08201 Filed 4–8–16; 8:45 am]

BILLING CODE 4184–37–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0306]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Administrative Detention and Banned Medical Devices

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by May 11, 2016.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0114. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Administrative Detention and Banned Medical Devices—21 CFR 800.55(g)(1) and (g)(2), 800.55(k), 895.21(d), and 895.22; OMB Control Number 0910–0114—Extension

FDA has the statutory authority under section 304(g) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 334(g)) to detain during established inspections devices that are believed to be adulterated or misbranded. Section 800.55 (21 CFR 800.55), on administrative detention, includes among other things, certain reporting requirements and recordkeeping requirements. Under § 800.55(g), an applicant of a detention order must show documentation of ownership if devices are detained at a place other than that of the appellant. Under § 800.55(k), the owner or other responsible person must supply records about how the devices may have become adulterated or misbranded, in addition to records of distribution of the detained devices. These recordkeeping requirements for administrative detentions permit FDA to trace devices for which the detention period expired before a seizure is accomplished or injunctive relief is obtained.

FDA also has the statutory authority under section 516 of the FD&C Act (21 U.S.C. 360f) to ban devices that present substantial deception or an unreasonable and substantial risk of illness or injury. Section 895.21 (21 CFR 895.21), on banned devices, contains certain reporting requirements. Section 895.21(d) describes the procedures for banning a device when the Commissioner of Food and Drugs (the Commissioner) decides to initiate such a proceeding. Under 21 CFR 895.22, a manufacturer, distributor, or importer of a device may be required to submit to FDA all relevant and available data and information to enable the Commissioner to determine whether the device presents substantial deception, unreasonable and substantial risk of illness or injury, or unreasonable, direct, and substantial danger to the health of individuals.

During the past several years, there has been an average of less than one new administrative detention action per year. Each administrative detention will have varying amounts of data and information that must be maintained. FDA's estimate of the burden under the administrative detention provision is based on FDA's discussion with one of the firms whose devices had been detained.

In the **Federal Register** of October 19, 2015 (80 FR 63232), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
800.55(g)	1	1	1	25	25
895.21(d)(8) and 895.22(a)	26	1	26	16	416
Total					441

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR Section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
800.55(k)	1	1	1	20	20

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: April 5, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–08161 Filed 4–8–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2012–N–0564, FDA–2015–N–0797, FDA–2012–N–0021, FDA–2012–N–0280, FDA–2007–D–0372, FDA–2014–D–0044]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approvals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of information collections that have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The following is a list of FDA information collections recently approved by OMB under section 3507 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). The OMB control number and expiration date of OMB approval for each information collection are shown in table 1. Copies of the supporting statements for the information collections are available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.* An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

TABLE 1—LIST OF INFORMATION COLLECTIONS APPROVED BY OMB

Title of collection	OMB control No.	Date approval expires
Labeling of Dietary Supplements as Required by the Dietary Supplement and Nonprescription Drug Consumer Protection Act	0910–0642	2/28/2019
Foreign Supplier Verification Programs for Importers of Food for Humans and Animals	0910–0752	2/28/2019
Substances Generally Recognized as Safe: Notification Procedure	0910–0342	3/31/2019
Financial Disclosure by Clinical Investigators	0910–0396	3/31/2019
Adverse Event Reporting and Recordkeeping for Dietary Supplements as Required by the Dietary Supplement and Nonprescription Drug Consumer Protection Act	0910–0635	3/31/2019
Exempt Infant Formula Production: Current Good Manufacturing Practices (CGMPs), Quality Control Procedures, Conduct of Audits, and Records	0910–0811	3/31/2019

Dated: April 5, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–08153 Filed 4–8–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0536]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Medical Device User Fee Cover Sheet, Form FDA 3601

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by May 11, 2016.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0511. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Medical Device User Fee Cover Sheet, Form FDA 3601—OMB Control Number 0910–0511—Extension

The Federal Food, Drug, and Cosmetic Act, as amended by the Medical Device User Fee and Modernization Act of 2002 (Pub. L. 107–250), and the Medical Device User Fee Amendments of 2007 (Title II of the Food and Drug Administration Amendments Act of 2007), authorizes FDA to collect user fees for certain medical device applications. Under this authority, companies pay a fee for certain new medical device applications or supplements submitted to the Agency for review. Because the submission of user fees concurrently with applications and supplements is required, the review of an application cannot begin until the fee is submitted. Form FDA 3601, the Medical Device User Fee Cover Sheet, is designed to provide the minimum necessary information to determine whether a fee is required for review of an application, to determine the amount of the fee required, and to account for and track user fees. The form provides a cross-reference between the fees submitted for an application with the actual submitted application by using a unique number tracking system. The information collected is used by FDA's Center for Devices and Radiological Health and the Center for Biologics Evaluation and Research to initiate the administrative screening of new medical device applications and supplemental applications.

The total number of annual responses is based on the average number of cover sheet submissions received by FDA in recent years. The number of received annual responses includes cover sheets for applications that were qualified for small businesses and fee waivers or reductions. The estimated hours per response are based on past FDA experience with the various cover sheet submissions, and range from 5 to 30 minutes. The hours per response are based on the average of these estimates (18 minutes).

In the **Federal Register** of October 21, 2015 (80 FR 63793), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

FDA form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
3601	5,214	1	5,214	0.30 (18 minutes).	1,564

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: April 5, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–08154 Filed 4–8–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Advisory Council on Alzheimer's Research, Care, and Services; Meeting

AGENCY: Assistant Secretary for Planning and Evaluation, HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces the public meeting of the Advisory Council on Alzheimer's Research, Care, and Services (Advisory Council). The Advisory Council on Alzheimer's Research, Care, and Services provides advice on how to prevent or reduce the burden of Alzheimer's disease and related dementias on people with the disease and their caregivers. The Advisory Council will spend the majority of the April meeting considering recommendations made by each of the three subcommittees for updates to the 2016 National Plan. Additional presentations in the afternoon will include an update on the Dementia Friendly America campaign, planning progress towards a Care and Services Summit, and federal workgroup updates.

DATES: The meeting will be held on April 29, 2016 from 9 a.m. to 5 p.m. EDT.

ADDRESSES: The meeting will be held in Room 800 in the Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

Comments: Time is allocated in the afternoon on the agenda to hear public comments. The time for oral comments will be limited to two (2) minutes per individual. In lieu of oral comments, formal written comments may be submitted for the record to Rohini Khillan, ASPE, 200 Independence Avenue SW., Room 424E, Washington, DC 20201. All comments should be submitted to *napa@hhs.gov* for the record and to share with the Advisory Council by April 20, 2016. Those submitting comments should identify themselves and any relevant organizational affiliations.

FOR FURTHER INFORMATION CONTACT: Rohini Khillan (202) 690–5932, *rohini.khillan@hhs.gov.* Note: Seating may be limited. Those wishing to attend the meeting must send an email to *napa@hhs.gov* and put "April 29 Meeting Attendance" in the Subject line by Friday, April 15, 2016 so that their names may be put on a list of expected attendees and forwarded to the security officers the Humphrey Building. Any interested member of the public who is a non-U.S. citizen should include this information at the time of registration to ensure that the appropriate security procedure to gain entry to the building is carried out. Although the meeting is open to the public, procedures governing security and the entrance to federal buildings may change without notice. If you wish to make a public comment, you must note that within your email.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act (5 U.S.C. App. 2, section 10(a)(1) and (a)(2)). Topics of the Meeting: The Advisory Council will spend the majority of the April meeting considering recommendations made by each of the three subcommittees for updates to the 2016 National Plan. Additional presentations in the afternoon will include an update on progress made by the Dementia Friendly America campaign, and update on planning towards a Care and Services Summit, and federal workgroup updates.

Procedure and Agenda: This meeting is open to the public. Please allow 45 minutes to go through security and walk to the meeting room. The meeting will also be webcast at *www.hhs.gov/live* .

Authority: 42 U.S.C. 11225; Section 2(e)(3) of the National Alzheimer's Project Act. The panel is governed by provisions of Public Law 92–463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

Dated: March 23, 2016.

Richard G. Frank,

Assistant Secretary for Planning and Evaluation.

[FR Doc. 2016–08170 Filed 4–8–16; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Delegation of Authority

Notice is hereby given that I have delegated to the Administrator, Centers for Medicare & Medicaid Services (CMS) with authority to re-delegate, the authority under Title 31, Section 313(d)(1) and (2) of the United States Code (U.S.C.), as amended, to implement the coordination with the Secretary of the Treasury, and establish an arrangement with the Secretary of the Treasury, regarding the appropriate functions that the Federal Insurance Office (FIO) may perform relating to health insurance, as determined based on Section 2791 of the Public Health Service Act [42 U.S.C. 300gg–91], or relating to long-term care insurance.

I hereby affirm and ratify any actions taken by the Administrator, CMS, or other CMS officials, which involve the exercise of this authority prior to the effective date of this delegation.

This delegation of authority is effective immediately.

This delegation of authority may be re-delegated.

Authority: 31 U.S.C. 313

Dated: March 24, 2016.

Sylvia M. Burwell,

Secretary.

[FR Doc. 2016–08171 Filed 4–8–16; 8:45 am]

BILLING CODE 4150–03–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2016–0193]

Certificates of Alternative Compliance, First Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notice.

SUMMARY: The Coast Guard announces that the First Coast Guard District's Prevention Department has issued certificates of alternative compliance with the International Regulations for Preventing Collisions at Sea (72 COLREGS), to vessels of special construction or purpose that cannot fully comply with the light, shape, and sound signal provisions of 72 COLREGS without interfering with their special function. This notice promotes the Coast Guard's maritime safety and stewardship missions.

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Mr. Kevin Miller, First Coast Guard District's Towing Vessel and Barge Safety Specialist at (617) 223–8272 or [*Kevin.L.Miller2@uscg.mil*].

SUPPLEMENTARY INFORMATION:

Discussion

The United States is signatory to the International Maritime Organization's International Regulations for Preventing Collisions at Sea, 1972, as amended. The special construction or purpose of some vessels makes them unable to comply with the light, shape, and sound signal provisions of 72 COLREGS. Under statutory law[1] and Coast Guard regulation,[2] a vessel may instead meet alternative requirements and the vessel's owner, builder, operator, or agent may apply for a certificate of alternative compliance (COAC). The Chief of the Inspections and Investigations Branch in each Coast Guard District office determines whether the vessel for which the COAC is sought complies as closely as possible with 72 COLREGS, and decides whether to issue the COAC. Once issued, a COAC remains valid until information supplied in the application for the COAC, or the terms of the COAC, become inapplicable to the vessel. Under the governing statute[3] and regulation,[4] the Coast Guard must publish notice of each COAC issued by the District office.

The First Coast Guard District issued COACs to the following vessels between 2012 and 2015:

Year	Vessel name	Details
2012	MARK MORAN	This certificate authorizes the placement of the vessel's sidelights in a position 12′ 8.5″ from the vessel's side, mounted to the deckhouse.

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[1] 33 U.S.C. 1605.

[2] 33 CFR 81.3.

[3] 33 U.S.C. 1605(c).

[4] 33 CFR 81.18.

Year	Vessel name	Details
2012	KATIE MORAN	This certificate authorizes the placement of the vessel's sidelights in a position 12′ 8.5″ from the vessel's side, mounted to the deckhouse overhead.
2012	ANNABELLE DOROTHY MORAN	This certificate authorizes the placement of the vessel's sidelights in a position 12′ 8.5″ from the vessel's side, mounted to the deckhouse overhead.
2013	ATHENA	This certificate authorizes the placement of the vessel's sidelights in a position 13′ 3″ from the vessel's side, mounted to the deckhouse overhead.
2013	APOLLO	This certificate authorizes the placement of the vessel's sidelights in a position 13′ 3″ from the vessel's side, mounted to the deckhouse overhead.
2013	B. FRANKLIN REINAUER	This certificate authorizes the placement of the vessel's sidelights in a position 8′ 5″ from the vessel's side, mounted to the deckhouse overhead, and the placement of the masthead light 3′ 9″ aft of amidships, mounted to the mast above the deckhouse.
2013	CURTIS REINAUER	This certificate authorizes the placement of the vessel's sidelights in a position 8′ 5″ from the vessel's side, mounted to the deckhouse overhead, and the placement of the masthead light 3′ 9″ aft of amidships, mounted to the mast above the deckhouse.
2013	EVENING STAR	This certificate authorizes the placement of the vessel's sidelights in a position 9′ 3″ from the vessel's side, mounted to the deckhouse overhead.
2013	PATRIOT	This certificate authorizes the placement of the vessel's sidelights in a position 13′ 3″ from the vessel's side, mounted to the pilot house overhead.
2013	HAGGERTY GIRLS	This certificate authorizes the placement of the vessel's sidelights in a position 5′ 2″ from the vessel's tower, mounted to the deckhouse overhead, and the placement of the forward masthead in a position 3′ 9″ aft of amidships.
2014	HALEY MORAN	This certificate authorizes the placement of the vessel's sidelights in a position 13′ 3″ from the vessel's side, mounted to the pilot house overhead.
2014	GEORGE T. MORAN	This certificate authorizes the placement of the vessel's sidelights in a position 13′ 3″ from the vessel's side, mounted to the pilot house overhead.
2014	BUCKLEY MCALLISTER	This certificate authorizes the placement of the vessel's sidelights in a position 6′ 3 15/16″ from the centerline of the vessel's tower, mounted to the deckhouse overhead.
2014	DEAN REINAUER	This certificate authorizes the placement of the vessel's sidelights in a position 7′ 1.75″ from the vessel's side, mounted to the deckhouse overhead, and the placement of the masthead light 3′ 9″ aft of amidships, mounted to the mast above the deckhouse.
2014	DENISE A. BOUCHARD	This certificate authorizes the placement of the vessel's sidelights in a position 9′ 3″ from the vessel's side, mounted to the deckhouse.
2014	ERIC McALLISTER	This certificate authorizes the placement of the vessel's sidelights in a position 6′ 3 13/16″ from the vessel's centerline, 10′ 8 1/16″ from the side shell, mounted to the deckhouse overhead.
2014	HAYLEY MORAN	This certificate authorizes the placement of the vessel's sidelights in a position 13′ 3″ from the vessel's side, mounted to the pilot house overhead.
2014	BATTEN KILL	This certificate authorizes the operation of the pilothouse in the down position (height of 13′ 3.6″), reducing the masthead light by 2′ 3.6″ from the up position (height 15′ 7.2″), mounted to the pilothouse overhead. Additionally, this certificate authorizes the display of only one masthead light in lieu of two masthead lights located at the top of the towing vessel wheelhouse. This certificate is only valid between Champlain Canal Mile Marker 0 to Champlain Canal Mile Marker 39. EXPIRED: December 31, 2015.
2014	SNOOK KILL	This certificate authorizes the operation of the pilothouse in the down position (height of 13′ 3.6″), reducing the masthead light by 2′ 3.6″ from the up position (height 15′ 7.2″), mounted to the pilothouse overhead. Additionally, this certificate authorizes the display of only one masthead light in lieu of two masthead lights located at the top of the towing vessel wheelhouse. This certificate is only valid between Champlain Canal Mile Marker 0 to Champlain Canal Mile Marker 39. EXPIRED: December 31, 2015.
2014	BIG BEND	This certificate authorizes the operation of the pilothouse in the down position (height of 13′ 3.6″), reducing the masthead light by 2′ 3.6″ from the up position (height 15′ 7.2″), mounted to the pilothouse overhead. Additionally, this certificate authorizes the display of only one masthead light in lieu of two masthead lights located at the top of the towing vessel wheelhouse. This certificate is only valid between Champlain Canal Mile Marker 0 to Champlain Canal Mile Marker 39. EXPIRED: December 31, 2015.
2014	FISHER	This certificate authorizes the operation of the pilothouse in the down position (height of 13′ 3.6″), reducing the masthead light by 2′ 3.6″ from the up position (height 15′ 7.2″), mounted to the pilothouse overhead. Additionally, this certificate authorizes the display of only one masthead light in lieu of two masthead lights located at the top of the towing vessel wheelhouse. This certificate is only valid between Champlain Canal Mile Marker 0 to Champlain Canal Mile Marker 39. EXPIRED: December 31, 2015.

Year	Vessel name	Details
2014	THREE SISTERS	This certificate authorizes the operation of the pilothouse in the down position (height of 13′ 3.6″), reducing the masthead light by 2′ 3.6″ from the up position (height 15′ 7.2″), mounted to the pilothouse overhead. Additionally, this certificate authorizes the display of only one masthead light in lieu of two masthead lights located at the top of the towing vessel wheelhouse. This certificate is only valid between Champlain Canal Mile Marker 0 to Champlain Canal Mile Marker 39. EXPIRED: December 31, 2015.
2014	STURGEON	This certificate authorizes the operation of the pilothouse in the down position (height of 13′ 3.6″), reducing the masthead light by 2′ 3.6″ from the up position (height 15′ 7.2″), mounted to the pilothouse overhead. Additionally, this certificate authorizes the display of only one masthead light in lieu of two masthead lights located at the top of the towing vessel wheelhouse. This certificate is only valid between Champlain Canal Mile Marker 0 to Champlain Canal Mile Marker 39. EXPIRED: December 31, 2015.
2014	MARTEN	This certificate authorizes the operation of the pilothouse in the down position (height of 13′ 3.6″), reducing the masthead light by 2′ 3.6″ from the up position (height 15′ 7.2″), mounted to the pilothouse overhead. Additionally, this certificate authorizes the display of only one masthead light in lieu of two masthead lights located at the top of the towing vessel wheelhouse. This certificate is only valid between Champlain Canal Mile Marker 0 to Champlain Canal Mile Marker 39. EXPIRED: December 31, 2015.
2014	GRIFFIN	This certificate authorizes the operation of the pilothouse in the down position (height of 13′ 3.6″), reducing the masthead light by 2′ 3.6″ from the up position (height 15′ 7.2″), mounted to the pilothouse overhead. Additionally, this certificate authorizes the display of only one masthead light in lieu of two masthead lights located at the top of the towing vessel wheelhouse. This certificate is only valid between Champlain Canal Mile Marker 0 to Champlain Canal Mile Marker 39. EXPIRED: December 31, 2015.
2014	RANGER	This certificate authorizes the operation of the pilothouse in the down position (height of 13′ 3.6″), reducing the masthead light by 2′ 3.6″ from the up position (height 15′ 7.2″), mounted to the pilothouse overhead. Additionally, this certificate authorizes the display of only one masthead light in lieu of two masthead lights located at the top of the towing vessel wheelhouse. This certificate is only valid between Champlain Canal Mile Marker 0 to Champlain Canal Mile Marker 39. EXPIRED: December 31, 2015.
2014	THOMPSON	This certificate authorizes the operation of the pilothouse in the down position (height of 13′ 3.6″), reducing the masthead light by 2′ 3.6″ from the up position (height 15′ 7.2″), mounted to the pilothouse overhead. Additionally, this certificate authorizes the display of only one masthead light in lieu of two masthead lights located at the top of the towing vessel wheelhouse. This certificate is only valid between Champlain Canal Mile Marker 0 to Champlain Canal Mile Marker 39. EXPIRED: December 31, 2015.
2014	TURNING POINT	This certificate authorizes the operation of the pilothouse in the down position (height of 13′ 3.6″), reducing the masthead light by 2′ 3.6″ from the up position (height 15′ 7.2″), mounted to the pilothouse overhead. Additionally, this certificate authorizes the display of only one masthead light in lieu of two masthead lights located at the top of the towing vessel wheelhouse. This certificate is only valid between Champlain Canal Mile Marker 0 to Champlain Canal Mile Marker 39. EXPIRED: December 31, 2015.
2014	ROGERS	This certificate authorizes the operation of the pilothouse in the down position (height of 13′ 3.6″), reducing the masthead light by 2′ 3.6″ from the up position (height 15' 7.2"), mounted to the pilothouse overhead. Additionally, this certificate authorizes the display of only one masthead light in lieu of two masthead lights located at the top of the towing vessel wheelhouse. This certificate is only valid between Champlain Canal Mile Marker 0 to Champlain Canal Mile Marker 39. EXPIRED: December 31, 2015.
2014	WASHINGTON	This certificate authorizes the operation of the pilothouse in the down position (height of 13′ 3.6″), reducing the masthead light by 2′ 3.6″ from the up position (height 15′ 7.2″), mounted to the pilothouse overhead. Additionally, this certificate authorizes the display of only one masthead light in lieu of two masthead lights located at the top of the towing vessel wheelhouse. This certificate is only valid between Champlain Canal Mile Marker 0 to Champlain Canal Mile Marker 39. EXPIRED: December 31, 2015.
2014	EAGLE	This certificate authorizes the operation of the pilothouse in the down position (height of 13′ 3.6″), reducing the masthead light by 2′ 3.6″ from the up position (height 15′ 7.2″), mounted to the pilothouse overhead. Additionally, this certificate authorizes the display of only one masthead light in lieu of two masthead lights located at the top of the towing vessel wheelhouse. This certificate is only valid between Champlain Canal Mile Marker 0 to Champlain Canal Mile Marker 39. EXPIRED: December 31, 2015.

Year	Vessel name	Details
2014	CUSHING	This certificate authorizes the operation of the pilothouse in the down position (height of 13′ 3.6″), reducing the masthead light by 2′ 3.6″ from the up position (height 15′ 7.2″), mounted to the pilothouse overhead. Additionally, this certificate authorizes the display of only one masthead light in lieu of two masthead lights located at the top of the towing vessel wheelhouse. This certificate is only valid between Champlain Canal Mile Marker 0 to Champlain Canal Mile Marker 39. EXPIRED: December 31, 2015.
2014	SARATOGA	This certificate authorizes the operation of the pilothouse in the down position (height of 13′ 3.6″), reducing the masthead light by 2′ 3.6″ from the up position (height 15′ 7.2″), mounted to the pilothouse overhead. Additionally, this certificate authorizes the display of only one masthead light in lieu of two masthead lights located at the top of the towing vessel wheelhouse. This certificate is only valid between Champlain Canal Mile Marker 0 to Champlain Canal Mile Marker 39. EXPIRED: December 31, 2015.
2014	CHAMPLAIN	This certificate authorizes the operation of the pilothouse in the down position (height of 13′ 3.6″), reducing the masthead light by 2′ 3.6″ from the up position (height 15′ 7.2″), mounted to the pilothouse overhead. Additionally, this certificate authorizes the display of only one masthead light in lieu of two masthead lights located at the top of the towing vessel wheelhouse. This certificate is only valid between Champlain Canal Mile Marker 0 to Champlain Canal Mile Marker 39. EXPIRED: December 31, 2015.
2014	HR BASS	This certificate authorizes the operation of the pilothouse in the down position (height of 14.1′ 1.2″), reducing the masthead light by 7′ 0.0″ from the up position (height 21′ 1.2″), mounted to the pilothouse overhead. Additionally, this certificate authorizes the display of only one masthead light in lieu of two masthead lights located at the top of the towing vessel wheelhouse. This certificate is only valid between Champlain Canal Mile Marker 0 to Champlain Canal Mile Marker 39. EXPIRED: December 31, 2015.
2014	HR BEAVER	This certificate authorizes the operation of the pilothouse in the down position (height of 14.1′ 1.2″), reducing the masthead light by 7′ 0.0″ from the up position (height 21′ 1.2″), mounted to the pilothouse overhead. Additionally, this certificate authorizes the display of only one masthead light in lieu of two masthead lights located at the top of the towing vessel wheelhouse. This certificate is only valid between Champlain Canal Mile Marker 0 to Champlain Canal Mile Marker 39. EXPIRED: December 31, 2015.
2014	HR HAWK	This certificate authorizes the operation of the pilothouse in the down position (height of 14.1′ 1.2″), reducing the masthead light by 7′ 0.0″ from the up position (height 21′ 1.2″), mounted to the pilothouse overhead. Additionally, this certificate authorizes the display of only one masthead light in lieu of two masthead lights located at the top of the towing vessel wheelhouse. This certificate is only valid between Champlain Canal Mile Marker 0 to Champlain Canal Mile Marker 39. EXPIRED: December 31, 2015.
2014	HR OTTER	This certificate authorizes the operation of the pilothouse in the down position (height of 14.1′ 1.2″), reducing the masthead light by 7′ 0.0″ from the up position (height 21′ 1.2″), mounted to the pilothouse overhead. Additionally, this certificate authorizes the display of only one masthead light in lieu of two masthead lights located at the top of the towing vessel wheelhouse. This certificate is only valid between Champlain Canal Mile Marker 0 to Champlain Canal Mile Marker 39. EXPIRED: December 31, 2015.
2014	HR PIKE	This certificate authorizes the operation of the pilothouse in the down position (height of 14.1′ 1.2″), reducing the masthead light by 7′ 0.0″ from the up position (height 21′ 1.2″), mounted to the pilothouse overhead. Additionally, this certificate authorizes the display of only one masthead light in lieu of two masthead lights located at the top of the towing vessel wheelhouse. This certificate is only valid between Champlain Canal Mile Marker 0 to Champlain Canal Mile Marker 39. EXPIRED: December 31, 2015.
2015	CHANDRA B.	This certificate authorizes the placement of the vessel's mast head light on a hinged mast in a position 16′ 05″ from the vessel's deck, mounted to the stern deckhouse overhead.
2015	DYLAN COOPER	This certificate authorizes the placement of the vessel's sidelights in a position 7′ 1.75″ from the vessel's side, mounted to the deckhouse overhead.
2015	PAYTON GRACE MORAN	This certificate authorizes the placement of the vessel's sidelights in a position 13′ 5.25″ from the vessel's side, mounted to the pilot house roof. Additionally, this certificate authorizes the placement of the vessel's stern light & towing lights in a position 3′ 4.5″ aft of Frame 20.
2015	KIRBY MORAN	This certificate authorizes the placement of the vessel's sidelights in a position 13′ 5.25″ from the vessel's side, mounted to the pilot house roof. Additionally, this certificate authorizes the placement of the vessel's stern light & towing lights in a position 3′ 4.5″ aft of Frame 20.
2015	JAMES D. MORAN	This certificate authorizes the placement of the vessel's sidelights in a position 13′ 5.25″ from the vessel's side, mounted to the pilot house roof. Additionally, this certificate authorizes the placement of the vessel's stern light & towing lights in a position 3′ 4.5″ aft of Frame 20.

Year	Vessel name	Details
2015	JRT MORAN	This certificate authorizes the placement of the vessel's sidelights in a position 13′ 5.25″ from the vessel's side, mounted to the pilot house roof. Additionally, this certificate authorizes the placement of the vessel's stern light & towing lights in a position 3′ 4.5″ aft of Frame 20.
2015	JONATHAN C MORAN	This certificate authorizes the placement of the vessel's sidelights in a position 13′ 5.25″ from the vessel's side, mounted to the pilot house roof. Additionally, this certificate authorizes the placement of the vessel's stern light & towing lights in a position 3′ 4.5″ aft of Frame 20.

This notice is issued under authority of 5 U.S.C. 552(a), 33 U.S.C. 1605(c), and 33 CFR 81.18.

Dated: March 16, 2016.

B. L. Black,

Captain, U.S. Coast Guard, Chief of Prevention, First Coast Guard District.

[FR Doc. 2016–08219 Filed 4–8–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2015–0915]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0038

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of a revision to the following collection of information: Plan Approval and Records for Tank Vessels, Passenger Vessels, Cargo and Miscellaneous Vessels, Mobile Offshore Drilling Units, Nautical School Vessels and Oceanographic Research Vessels—46 CFR Subchapters D, H, I, I–A, R and U. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before May 11, 2016.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2015–0915] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: OIRA-submission@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW., Washington, DC 20503, attention Desk Officer for the Coast Guard.

(3) *Fax:* 202–395–6566. To ensure your comments are received in a timely manner, mark the fax, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE., STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2015–0915], and must be received by May 11, 2016.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0038.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard has published the 60-day notice (80 FR 80788, December 28, 2015) required by 44 U.S.C. 3506(c)(2).

That Notice elicited no comments. Accordingly, no changes have been made to the Collections.

Information Collection Request

Title: Plan Approval and Records for Tank Vessels, Passenger Vessels, Cargo and Miscellaneous Vessels, Mobile Offshore Drilling Units, Nautical School Vessels and Oceanographic Research Vessels—46 CFR Subchapter D, H, I, I–A, R and U.

OMB Control Number: 1625–0038.

Summary: This collection requires the shipyard, designer or manufacturer for the construction of a vessel to submit plans, technical information and operating manuals to the Coast Guard.

Need: Under 46 U.S.C. 331 and 3306, the Coast Guard is responsible for enforcing regulations promoting the safety of life and property in marine transportation. The Coast Guard uses this information to ensure that a vessel meets the applicable standards for construction, arrangement and equipment under 46 CFR Subchapters D, H, I, I–A, R and U.

Forms: None.

Respondents: Shipyards, designers and manufacturers of certain vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 3,589 hours to 6,671 hours a year due to an increase in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: April 1, 2016.

Thomas P. Michelli,

U.S. Coast Guard, Deputy Chief Information Officer.

[FR Doc. 2016–08223 Filed 4–8–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2011–1178]

National Preparedness for Response Exercise Program (PREP) Guidelines

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability of updated PREP Guidelines.

SUMMARY: The U.S. Coast Guard (USCG) announces that the updated 2016 PREP Guidelines have been finalized and are now publicly available. The USCG is publishing this notice on behalf of the National Scheduling Coordination Committee (NSCC), which has been renamed and henceforth will be known as the PREP Compliance, Coordination, and Consistency Committee (PREP 4C). The PREP 4C is comprised of the same membership as was the NSCC, and includes representatives from the USCG under the Department of Homeland Security (DHS); the Environmental Protection Agency (EPA); the Pipeline and Hazardous Materials Safety Administration (PHMSA) under the Department of Transportation (DOT); and the Bureau of Safety and Environmental Enforcement (BSEE) under the Department of the Interior (DOI).

DATES: The 2016 PREP Guidelines document will become effective on June 10, 2016.

ADDRESSES: To view the 2016 PREP Guidelines as well as documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov,* type "USCG–2011–1178" and click "Search." Then click the "Open Docket Folder." Additional relevant comments are available in related docket BSEE–2014–0003 and may be viewed online using the same procedure.

FOR FURTHER INFORMATION CONTACT:

For USCG: Mr. Jonathan Smith, Office of Marine Environmental Response Policy, 202–372–2675.

For EPA: Mr. Troy Swackhammer, Office of Emergency Management, Regulations Implementation Division, 202–564–1966.

For BSEE: Mr. John Caplis, Oil Spill Preparedness Division, 703–787–1364.

For DOT/PHMSA: Mr. Eddie Murphy, Office of Pipeline Safety, 202–366–4595.

SUPPLEMENTARY INFORMATION:

I. Acronyms

ACP	Area Contingency Plan
API	American Petroleum Institute
BSEE	Bureau of Safety and Environmental Enforcement
CFR	Code of Federal Regulations
COTP	Captain of the Port
DOI	Department of the Interior
DOT	Department of Transportation
EPA	Environmental Protection Agency
EVC	Equipment Preparedness Verification Capability
FE	Functional Exercise
FOSC	Federal On-Scene Coordinator
FR	Federal Register
FRP	Facility Response Plan
FSE	Full-Scale Exercise
GIUE	Government-Initiated Unannounced Exercise
GRP	Geographic Response Plan
GRS	Geographic Response Strategies
HSEEP	Homeland Security Exercise and Evaluation Program
IMT	Incident Management Team
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NIMS	National Incident Management System
NSCC	National Scheduling Coordination Committee
NSFCC	National Strike Force Coordination Center
NTL	Notice to Lessees
OCS	Outer Continental Shelf
OPA 90	Oil Pollution Act of 1990
OSPD	Oil Spill Preparedness Division
OSRO	Oil Spill Removal Organization
OSRP	Oil Spill Response Plan
PAV	Preparedness Assessment Visit
PHMSA	Pipeline and Hazardous Materials Safety Administration
PREP	Preparedness for Response Exercise Program
PREP 4C	PREP Compliance, Coordination, and Consistency Committee
QI	Qualified Individual
RRT	Regional Response Team
SSDI	Subsea Dispersant Injection
TTX	Tabletop Exercise
USCG	U.S. Coast Guard
VRP	Vessel Response Plan
WCD	Worst Case Discharge

II. Background

On February 22, 2012, the USCG invited comments and suggestions for updating the PREP Guidelines (77 FR 10542). The PREP 4C received public comments in docket number USCG–2011–1178. After considering those comments, the PREP 4C issued a draft update to the PREP Guidelines. The PREP 4C also issued a notice (79 FR 16363, March 25, 2014) that announced the availability of the draft update to the PREP Guidelines, invited comment on the draft, and provided responses to the comments received in docket USCG–2011–1178. That second notice (79 FR 16363) was published as a BSEE-issued document in docket BSEE–2014–0003. The PREP 4C reviewed the comments received in docket BSEE–2014–0003, and on February 27, 2015, published a subsequent notice and request for further comment on the updated draft PREP Guidelines again in docket USCG–2011–1178 (80 FR 10704). The PREP 4C considered the comments received in docket USCG–2011–1178, and today announces the availability of an updated and final version of the 2016 PREP Guidelines. This notice also responds to the latest round of comments that was received in the USCG docket in response to the February 27, 2015 notice.

III. Summary of Comments and Changes

When the USCG, on the behalf of the PREP 4C, requested public review of the second updated draft of the PREP Guidelines in its February 2015 notice at 80 FR 10704, the USCG received 77 comment submissions from government agencies, regulated communities, private industry, and non-governmental organizations. All of the comments received are posted on *http://www.regulations.gov,* under docket number USCG–2011–1178. This document summarizes and responds to those comments that were within the scope of the proposed update.

Since the February 27, 2015 publication of the updated draft PREP Guidelines and **Federal Register** notice (80 FR 10704), the NSCC has been reconstituted and renamed the PREP 4C. While the Committee is comprised of same membership agencies, it has adopted a new charter that established Committee Co-Chairs from the USCG and the EPA, and created a comprehensive oversight agenda for the administration of the PREP program. Published materials regarding the PREP 4C and the PREP program will be available online at the National Strike Force Coordination Center (NSFCC) Web site.

The PREP 4C has incorporated numerous changes into the 2016 PREP Guidelines document as a result of public comments. In the following sections, we summarize the most recent comments received and the changes that the PREP 4C has made in promulgating the 2016 PREP Guidelines.

Two commenters requested a public meeting. The PREP 4C discussed this request, and given that there were three rounds of public comments in the **Federal Register**, it was determined that a public meeting was no longer necessary.

A. Summary of Changes

Revised Formatting of the PREP Guidelines Document: The formatting of the PREP Guidelines has been updated to provide consistency and ease of use throughout the entire document.

The Definition of an Oil Spill Removal Organization (OSRO): Numerous commenters suggested the need to clarify the different types of providers that should be considered OSROs for the purposes of PREP. The definition of an OSRO has been updated to include, and better describe, a broader range of response resources and services, including source control, all spill countermeasures, and supporting services that an OSRO may provide in order to adequately contain, secure, recover, or mitigate a discharge of oil. While the nature of OSROs has evolved over time, the OSRO definitions in the Code of Federal Regulations (CFR) have not changed and are different from agency to agency. For the purposes of the PREP Guidelines, the OSRO definition has been broadened to be more inclusive, to reflect that multiple response options are available, and to ensure that the needs of all involved in PREP are met. This definition is not intended to conflict with the regulations.

Plan Holder Exercises: Commenters indicated that the terms "internal" and "external" as used to describe different types of PREP exercises were confusing. The PREP 4C agrees. As a result, "internal" exercises, as described in the previous Guidelines, are now referred to as "plan holder" exercises. For the purpose of the Guidelines, plan holder exercises are conducted to evaluate the industry-specific oil spill response plans. This includes regulated vessels, pipelines, railcars, and facilities. Plan holder exercises may involve both internal and external entities, and may be initiated by either the plan holder or by a government agency, but are all conducted as part of the plan holder's triennial exercise cycle to test the response plan and overall preparedness. The term "external" will no longer be used to describe a type of exercise under PREP. A table has been added to the PREP Guidelines (Appendix B) to further address the confusion between internal and external exercises. Further, this table is a crosswalk between PREP and the Homeland Security Exercise and Evaluation Program (HSEEP) and can be used as a Quick Reference Guide for the requirements for any particular type of PREP Exercise.

PREP versus Regulation Terminology: Commenter's noted some inconsistency with respect to terminology between the PREP Guidelines and the regulations. PREP4C has changed certain exercise-related terms in order to harmonize PREP with other national-level exercise programs. In particular, the term "Spill Management Team (SMT)" has been replaced by the term "Incident Management Team (IMT)." For example, an SMT tabletop exercise (SMT TTX) will now be called an IMT exercise. Much of the exercise terminology was updated to align with the HSEEP. This does not imply new or different requirements from the regulations, but rather provides a "synonym" that is consistent with nationwide exercise terminology.

Area-Level Exercises: Area-level exercises evaluate the components of an Area Contingency Plan (ACP). Additional HSEEP terminology is being adopted for Area-level exercises, and may also be used by industry plan holders at their discretion. Single functional tests, such as Area-level notification exercises and equipment deployments, will now be referred to as "drills." Area IMT exercises may be conducted as appropriate "discussion-based" exercises, which would include TTXs, workshops, and seminars. Major Area-level exercises designed to test the ACP and the entire response community will now be conducted on a quadrennial cycle as "operations-based, functional or full-scale exercises (FE/FSEs)."

Planning for Area FE/FSEs: This revision of the Guidelines also changes the context and terminology that will be used to plan Area FE/FSEs. In the past, the planning for approximately one third of the Area FE/FSEs was led by the government partners in the Area Committee ("Government-led"), with a single industry plan holder as an exercise partner. Industry plan holders traditionally led the remaining two thirds of these exercises ("Industry-led"), with the Area Committee as an exercise partner. Under these revised Guidelines, those terms will no longer be used within the PREP system; the planning for all Area FE/FSEs should be a considered a joint and shared responsibility between the government members of the Area Committee and industry plan holders (and their contracted OSROs). Regardless of the division of labor that is enacted for planning any specific Area FE/FSE, a joint exercise design team composed of all the exercise planning partners should develop the FE/FSE scope, scenario, and objectives. The joint FE/FSE design team should be comprised of representatives from Federal Government agencies, state and local government agencies, the local response community, and an industry plan holder. If applicable, tribal entities will be invited to participate. The lead planning element, if one is designated, will coordinate the overall execution of the Area FE/FSE; however, it remains the ultimate responsibility of the Area Committee and the Area Committee Chair to ensure that the Area FE/FSE is completed in accordance with the PREP Guidelines and the quadrennial schedule. The lead planning partner and the Area Committee Chair will share the decision-making responsibility for the design of the exercise, including the scope, scenario, and objectives. The goal of the PREP is to conduct an Area FE/FSE for each Area Contingency Plan during each quadrennial cycle.

The Guiding Principles Section of the Guidelines now includes additional information regarding the planning of Area FE/FSEs and also for evaluating incident-based Area exercise credit requests. In particular, Area FE/FSEs should involve a scenario that addresses the scope and complexity of, at a minimum, a complex Incident Command System (ICS) Type 3 Incident.

Shared Credit for OSRO Equipment Deployment Exercises: Additional information has been included in the Guiding Principles Section on sharing credit between plan holders for equipment deployment exercises conducted by OSROs. Due to the large number of plan holders participating in PREP, and the burden it would put on OSROs to conduct separate equipment deployment exercises on behalf of each plan, it has become an accepted practice for OSROs to conduct equipment deployment exercises on behalf of all their plan holders. In such circumstances, exercise credit can be extended to and shared amongst all the plan holders for the deployment of that specific OSRO equipment and personnel in a specific location (USCG Captain of the Port (COTP) zone, Regional Response Team (RRT) region, EPA ACP area, or EPA subarea), provided that each plan holder has contracted for the use of the equipment and personnel that was exercised. Where exercise credit is extended to all the plan holders who are clients for an OSRO's equipment deployment exercise, each type of response equipment being deployed in this manner should be exercised on an annual basis.

B. Summary of Select Comments and Responses

General Comments

Aligning PREP Terminology and Processes with Other National Exercise Programs: Three commenters recommended aligning the PREP Guidelines with various elements of the HSEEP.

Response: The PREP 4C has decided to adopt certain terminology from HSEEP in order to better align the two programs, especially where HSEEP terms are more reflective of the lexicon used today within the National Incident Management System (NIMS). In the previous revision of the Guidelines, the PREP 4C changed certain exercise-related terms. In particular, the term "Spill Management Team (SMT)" was replaced by the term "Incident Management Team (IMT)." The term "tabletop exercise (TTX)" was temporarily removed; however, in response to the public comments, the term has been reinstated in the Guidelines as a proper reference to a type of discussion-based exercise that is appropriate for IMT exercises. The 2016 PREP Guidelines incorporate a number of additional HSEEP terms and concepts with respect to the Area-level exercises. However, the PREP 4C did not believe it was within the scope of the existing PREP mandate to completely adopt the HSEEP exercise design and evaluation processes. While the PREP 4C would encourage plan holders to consider adopting various HSEEP best practices.

Differences in Terminology between PREP and Agency-specific OPA Implementing Regulations: Multiple comments noted some inconsistencies between terminology now being used in the 2016 PREP Guidelines and the regulations promulgated by different agencies that contain the requirement for exercising oil spill response plans.

Response: Exercise terminology that was updated to align with the HSEEP does not imply in any way new or different requirements than what is contained in regulations; rather, these terms should be viewed and treated as "synonyms" that have been adopted to ensure that the PREP program is consistent and easily compared to nationwide exercise terminology used in most other current programs. PREP 4C made every effort to ensure that terminology is as straightforward and transferable as is practical, and has developed a table in the PREP Guidelines (Appendix B) in order to provide a crosswalk and quick reference guide between the exercise types in PREP and HSEEP terminology.

Use of the Term "Containment": One commenter stated that the addition of source control and subsea containment equipment into the PREP Guidelines document requires the use of the word "containment" to be defined everywhere in the document as either subsea or surface.

Response: The PREP 4C acknowledges that the term "containment" can be used in the context of containing oil on the water's surface as well as containing oil under water. Wherever the word containment is used in the context of containing oil under the water's surface, the word "subsea" will precede the word "containment". Where the word "containment" is used by itself, it is presumed to be associated with efforts to contain oil on the water's surface.

Use of Electronic Messaging for Qualified Individual (QI) Notification Exercises: One commenter requested that electronic messaging be allowed as a primary means for notifying QIs of a spill.

Response: The PREP 4C has reviewed the language within the draft PREP Guidelines and determined that the language will remain the same. The PREP 4C determined that verbal notification should remain the primary means of communication because it quickly confirms that the notification has been received and allows for immediate questions that may save time in emergencies. Electronic messaging is an acceptable alternative if voice is unavailable; however, confirmation of notification must be received.

Equipment Deployment Exercises and Lessons Learned Regarding Equipment Performance: One commenter noted a concern regarding the conditions under which equipment deployment exercises are conducted, as well as the lack of mechanisms in place to capture field deployment information. This commenter recommended that the USCG and BSEE develop a standard system to evaluate the performance of spill response equipment under a range of environmental conditions and capture that information in a lessons learned database.

Response: The primary purpose of the PREP Guidelines is to provide guidance to industry on oil spill response exercises as required by OPA 90. Collecting information concerning the performance of spill response equipment in a database is outside the scope of these Guidelines.

Dispersant-Related Objectives during PREP Exercises: One commenter requested that the Guidelines clarify what activities should be conducted by dispersant providers by using the term "dispersant service OSROs" in various places in the document, including in the objectives for IMT and equipment deployment exercises.

Two commenters submitted extensive recommendations to incorporate additional specific dispersant-related objectives in unannounced, deployment, and IMT exercises.

Response: The PREP 4C determined that the best way to provide clarity on this issue was to broaden the definition of OSRO to include all providers that offer any and all spill response resources designed to contain and secure a discharge, and recover or mitigate the impacts of the spilled oil through various countermeasures and supporting services, including mechanical recovery, *in-situ* burning, dispersants, bioremediation, salvage, source control, and other response services directly supporting the incident such as aerial surveillance and remote sensing. As such, the use of term OSRO in the Guidelines should be interpreted broadly to apply to providers that render any and all such services, unless it is specifically stated in the language of a particular section to be applicable to a smaller subset of such providers.

Both BSEE and USCG regulations have requirements concerning dispersant capabilities for many of their plan holders. In order to ensure both government and industry are prepared to use all available response countermeasures, the PREP 4C incorporated additional guidance regarding dispersants and *in-situ* burning into various exercise objectives, as applicable. In particular, BSEE had included in the previous version of the draft Guidelines an exercise objective for industry IMT exercises to prepare and submit usage plans for each chemical, biological, or *in-situ* burning countermeasure that is cited as a response strategy within oil spill response plans (OSRP) during the course of their exercise cycle. BSEE has now added to that objective a recommendation to prepare Daily Dispersant Application Plans using the template contained in American Petroleum Institute (API) Technical Report 1148, or an equivalently structured document, for surface-applied dispersants. BSEE has also added language to the IMT exercise objectives for offshore facilities that would involve the submission of a subsea dispersant injection (SSDI) application request, a usage and monitoring plan, and an overall dispersant stockpile management plan. The USCG has also adopted language in their IMT exercise requirements for preparing usage plans for chemical, biological, or *in-situ* burning countermeasures.

Deployment of Dispersant Equipment: One commenter recommended clarifying the requirements for the deployment of dispersant equipment by including wording specific to deploying "dispersant capabilities" in the list of objectives for each of the various agency sections.

Response: Specific guidance regarding the deployment of dispersant equipment is adequately articulated in the Guiding Principles Section and does not need to be repeated throughout each agency section of the Guidelines.

Dispersant Deployment Exercises: One commenter recommended that dispersant deployment exercises should include testing of flight tracking and recording systems, key communications equipment, and flow control and reporting systems, and that dosage charts should be verified. One commenter suggested that every dispersant aircraft should be deployed annually.

Response: The PREP 4C added language to the Guiding Principles regarding the deployment of dispersant equipment to include the testing of flight tracking and recording systems, key communications gear, and flow control and reporting systems. The PREP 4C believes that verifying dosage charts is beyond the scope of an equipment deployment exercise, and should be addressed through an OSRO's maintenance program and verified, if necessary, through audits conducted by the USCG during Preparedness Assessment Visits (PAVs) or by BSEE during Equipment Preparedness Verification Capability (EVC) meetings. The PREP 4C also believes that requiring every dispersant aircraft to be deployed in an exercise annually is not in alignment with existing agency regulatory requirements or the overall PREP Guidelines regarding the deployment of equipment. PREP states that each *type* of dispersant system should be deployed in a triennial cycle, unless that equipment is being deployed by an OSRO on behalf of all plan holders for shared credit. In cases of shared credit deployment exercises, each *type* of dispersant application system would need to be deployed by an OSRO annually, but not each individual dispersant spraying or spotter aircraft.

Reducing the Frequency of Equipment Deployment Exercises for Facility-owned Equipment: One commenter suggested that facilities that have company-owned response equipment onsite that is operated by an OSRO be required to conduct only one equipment deployment exercise per year.

Response: The USCG, EPA, and other PREP 4C members disagree with this suggestion. Facility-owned equipment is stored at a single facility and is not used frequently for response or preparedness activities like other OSRO equipment; therefore, such equipment should be exercised twice annually to ensure its serviceability is properly maintained. It should be noted that EPA's requirement on plan holder equipment deployment frequency in Section 4 remains the same as USCG's.

Deployment Exercises for In-Situ *Burning Equipment:* One commenter indicated that a deployment exercise of *in-situ* burning equipment should not require Federal On-Scene Coordinator (FOSC) approval.

Response: The PREP 4C agrees. The requirement for FOSC approval has been removed and the language clarified to indicate that the burning of oil during an equipment deployment exercise is not allowed. The deployment of *in-situ* burning equipment by itself that does not involve any discharge or burning of oil does not require any government approval in order to be conducted. The discharge of oil for the purposes of conducting *in-situ* burning research is not permitted and is outside of the scope of the PREP Guidelines.

Worst Case Discharge (WCD) Definition/Area Exercise Scenario Design: Several comments were submitted regarding the need to substitute a WCD with a near WCD that occurs in a high sensitivity environment.

Response: WCD is defined in the CWA, and further defined in each agency's regulations and cannot be changed by the PREP Guidelines. PREP 4C believes, however, that preparedness is a function of many variables besides spill volume. As such, PREP 4C believes that Area Committees should have flexibility when designing an Area FE/FSEs scope and scenario as long as the exercise tests the elements of the plan that would similarly be required in responding to a WCD, consistent with the guidance for ACPs as described in 40 CFR 300.210(c). Focusing on a complex ICS Type 3 or greater incident will ensure that the critical elements outlined by the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) are considered and exercised.

Government-Initiated Unannounced Exercises (GIUEs): Multiple comments were received requesting clarification of the requirements for plan holder participation in GIUEs for multiple vessels or facilities covered under a single plan.

Response: The language in Section 2, Guiding Principles, has been updated to clarify guidance regarding participation in GIUEs for plan holders that have plans covering multiple vessels and facilities. A facility that has successfully completed a GIUE will not be required to participate in another GIUE for at least 36 months; however, other facilities covered in the same plan are still subject to GIUES at any time. A vessel that has successfully completed a GIUE will not be required to participate in another GIUE in any COTP zone for 36 months. Other vessels under that same plan will not be required to complete another GIUE in that same COTP zone for 36 months. Other vessels in the same plan may be subject to a GIUE in another COTP zone at any time.

Frequency of GIUEs: One commenter suggested including a frequency for agencies to conduct GIUEs, stating that all agencies should have a minimum number of GIUEs that are to be conducted.

Response: The frequency or number of GIUEs conducted by each agency is outside the scope of the PREP Guidelines. It is up to each agency to determine its policy regarding GIUEs based upon available resources, as well as preparedness and compliance monitoring needs.

Publication of USCG GIUE Results: One commenter suggested that each USCG Sector should be required to publish their GIUE results and the findings from each exercise annually in a public venue. This would allow interested parties to verify that the required number of unannounced exercises were conducted, as well as ensure that lessons learned from each of those exercises are shared for the overall benefit of industry's continuous improvement process in oil spill response.

Response: USCG disagrees with publishing GIUE results because they are considered compliance monitoring activities. In discussions with PREP 4C, all agencies agreed to emphasize to their field personnel that each Area Committee should discuss general GIUE trends within their area of responsibility to assess overall preparedness and share lessons learned.

Testing Geographic Response Plans (GRPs) during PREP Exercises: One commenter noted that GRPs and Geographic Response Strategies (GRSs), which have been incorporated into many ACPs, should be incorporated into PREP, tested during deployment exercises, and the resultant data collected to be used to improve the GRPs/GRSs.

Response: The PREP 4C agrees that the targeted testing of certain GRPs and GRSs is a desirable preparedness activity that could improve the quality of the strategies contained within an ACP. The PREP Guidelines cover the testing of response strategies in Section 2, Guiding Principles, Area FE/FSE Exercises. The PREP 4C encourages Area Committees and FOSCs to consider exercising and evaluating GRPs as part of the Area exercise cycle, subject to their discretion and available funding.

Appendix A. Core Components for Exercising Response Plans: One commenter indicated that Appendix A was out of date and needed significant updates.

Response: The PREP 4C reviewed the content and organization of Appendix A and made a number of adjustments to the Appendix. Language was inserted into the Guiding Principles Section that strengthens the connection between the plan holder exercise cycles and Area exercise cycles, and the need to exercise each Core Component as appropriate. Appendix A was retitled as "Core Components for Exercising Response Plans" to place more emphasis on using the Appendix as a tool for designing and evaluating exercises, in addition to serving as a compliance measure for a plan holder's or Area Committee's execution of their exercise cycles. The "Source Control" Core Component was revised to include well control activities. The "Recovery" Core Component was retitled "Mitigation," and the supporting language was broadened to clarify that mitigation may include the use of various spill countermeasures, including, but not limited to, dispersants, *in-situ* burning, and bioremediation, in addition to mechanical oil recovery.

USCG-Regulated Facilities/Vessels Comments

GIUEs: Federal versus State/Local Requirements: Several commenters noted that many local/state governments retain their own exercise and resource requirements and that these local/state mandates need to be considered in the PREP Guidelines.

Response: The USCG disagrees that state and local requirements be incorporated into the PREP Guidelines; however the USCG does agree that coordination among local, state, and federal stakeholders is optimal to minimize burden on industry. A state's right to administer its own regulatory program within the confines of federal and state laws must be respected. As such, programs can coexist as distinct programs with separate, different standards. It is vitally important not to blend the two programs and blur the lines between state and federal jurisdictions. In the spirit of minimizing impacts to industry and promoting overall government efficiency, USCG-specific instruction/guidance on conducting GIUEs does indeed promote coordination with EPA, and state and local agencies. Conducting a "joint" exercise may reduce the burden on the regulated plan holder, but various regulatory participants (USCG, EPA, state, etc.) may have distinctly different objectives and standards unique to their respective regulations.

Scope/Emphasis of GIUEs: One commenter suggested that USCG GIUEs should focus more on the aspects of a plan holder's preparedness than on the arrival and deployment times of response equipment.

Response: In general terms, the USCG agrees. The PREP Guidelines have been synchronized with new USCG GIUE policy. Language in Section 2 for USCG and EPA GIUEs stresses multiple components for successful completion of GIUE, not just arrival and deployment of equipment, particularly for inland plan holders.

Fleet Limits for GIUEs: There were several comments regarding the burden/expense of vessel GIUEs and the need to identify fleet limits (if all vessels fall under the same plan).

Response: The USCG acknowledges the concerns expressed regarding the burden posed by vessel GIUEs. The PREP Guidelines have been updated to include language clarifying GUIE limits. Each Vessel Response Plan (VRP) (which may include multiple vessels), is restricted to one GIUE per 36 months per COTP zone. A vessel that successfully completes a GIUE may not be targeted for a GIUE anywhere for 36 months. Other vessels falling under the same VRP are eligible for a GIUE in other COTP zones, provided the plan number has not otherwise been subject to a GIUE within the last 36 months.

Vessel Response Plan Exercise Frequencies and Economic Burden: Many comments were focused on the economic impacts of conducting numerous exercises (including GIUEs, equipment deployment, and remote assessment and consultation exercises).

Response: The USCG acknowledges the concerns expressed regarding the economic burden posed by VRP exercise frequencies. As the PREP Guidelines are implementing guidance for existing regulatory requirements, an economic analysis is not required for the Guidelines. The PREP guidelines do not add to the economic burden of complying with the existing regulations and may, in fact, provide some economic relief through reasonable accommodations that still meet the intent of the regulations. Specific examples include:

Remote Assessment and Consultation Exercises. The frequency of remote assessment and consultation exercises is significantly reduced in PREP, from quarterly to annually per vessel when the vessel operates in U.S. waters. The economic burden of this exercise on vessel stakeholders is correspondingly reduced. Annual per vessel credit is appropriate for remote assessment and consultation exercises to ensure that each vessel in the fleet would have the opportunity to simulate initiation of a remote assessment and consultation assessment each year.

Equipment Deployment Exercises. Credit for equipment deployment exercises for salvage and marine firefighting services may be claimed for real world operations, when documented as outlined in Chapter 3. This also applies to traditional oil spill recovery and storage equipment. Granting credit to world events and operations in lieu of conducting traditional exercises optimizes resources and time. This practice allows the resource provider to realize income from the practical use of the equipment on an actual project while simultaneously meeting equipment deployment exercise requirements for their vessel owner or operator clients.

Government-Initiated Unannounced Exercises. The PREP guidelines clarify vessel GIUE target selection and eligibility criteria. PREP articulates that the regulatory GIUE limitation of 1 GIUE per 36 months applies to a VRP (and the entire fleet of vessels covered under it) vice an individual vessel. More specifically, if a unique vessel is subject to a GIUE, the entire fleet of vessels covered under the same VRP is exempt from GIUEs for 36 months in the COTP Zone in which it was conducted. It is important to note that the 36 month GIUE limitations described above are based on successful completion of GIUEs only. If a GIUE is deemed unsuccessful, the 36 month exemption period does not apply.

EPA-Regulated Facilities Comments

Scope of Emergency Procedures Exercise: One commenter indicated that the scope of an emergency procedures exercise is not defined in the Guidelines.

Response: This exercise is optional for EPA-regulated facilities. The scope and objectives of an emergency procedures exercise have not changed and are outlined in Section 4 of the PREP Guidelines.

Frequency of Equipment Deployment Exercises: One commenter indicated that the frequencies for equipment deployment exercises for EPA Facility Response Plan (FRP) facilities need clarification.

Response: Frequencies for equipment deployment exercises are either annual or semi-annual based on ownership of the response equipment, and are clearly specified in Section 4 of the PREP Guidelines; this requirement has not changed.

DOT-Regulated Facilities Comments

Inclusion of Guidance for Railcars in the PREP Guidelines: One commenter submitted several comments regarding the inclusion of new exercise and training guidance for railroads having railcars with capacities of 3,500 gallons or more.

Response: The inclusion of railcar-specific exercise guidance will not be addressed in the PREP Guidelines until new requirements have been promulgated in the CFR by PHMSA. PHMSA may address the inclusion of railcars in a future update of the PREP Guidelines. However, railroads may voluntarily use the PREP Guidelines described for PHMSA-regulated facilities. In anticipation of new requirements for railcars, Section 5 of the PREP Guidelines has been broadened to allow for the inclusion of other DOT/PHMSA-regulated facilities.

BSEE-Regulated Offshore Facilities Comments

Platforms for Drilling Relief Wells during PREP Exercises: Five commenters stated that during exercises, certain elements such as a drilling rig for implementing a relief well are assessed and documented regarding their availability, but are not actually contracted and mobilized.

Response: BSEE agrees that in many exercises, the contracting and deployment of resources are simulated based on an assessment of their current availability. BSEE does not anticipate conducting any PREP exercises where a drilling platform necessary for a relief well would actually be expected to be contracted and mobilized for the purposes of successfully completing the exercise.

Exercising Source Control and Subsea Containment Capabilities: Two commenters stated that exercising well control scenarios is currently not required under BSEE regulations.

Response: BSEE disagrees. As outlined in Notice to Lessees (NTL) 2010–N10 and NTL 2012–N06, 30 CFR part 254 requires a plan holder to describe in its plan, and then exercise, how it will respond to a WCD, including any equipment necessary to contain and recover the discharge. BSEE interprets this regulatory language to be inclusive of any resources necessary to contain and secure the source of a potential or actual discharge, which could include the use of well control capabilities such as capping stacks, cap and flow equipment, subsea containment devices, and other supporting equipment. As the specific actions for controlling and securing the source of the discharge through well control are not expressly delineated in the current regulations, BSEE will work to clarify expectations and requirements in the regulations in a future proposed rulemaking. In the interim, BSEE requires under 30 CFR part 254 that source control and subsea containment capabilities be available, and these capabilities must be included in a plan holder's exercise program.

Source Control and Subsea Containment Equipment Providers: One commenter stated that entities that provide source control equipment should not be considered OSROs, as they often do not own the equipment or provide the people who might operate the equipment.

Response: BSEE disagrees. The definition of an OSRO is very broad and may include many types of organizations, to include any entity that offers response resources necessary to abate, contain, mitigate, and/or recover any oil that may be discharged. OSROs may also include entities that provide various technologies, services, or equipment that support source control or spill response countermeasures. Therefore, for the purposes of PREP, BSEE considers organizations that provide source control equipment, personnel, and critical support services that may be necessary to secure a potential threat or actual discharge of oil into the water to meet the definition of an OSRO. Companies that manufacture, but do not operate their equipment during a spill, are not typically considered OSROs.

Deployment Exercises for Source Control, Subsea Containment, and Supporting Equipment: One commenter requested that BSEE clarify that the guidance regarding equipment deployment exercises in Section 6.3 and 6.4 does not apply to source control and subsea containment equipment.

Response: The commenter is correct; the guidance on equipment deployment exercises in Section 6.3 and 6.4 does not apply to source control and subsea containment equipment. Section 6.5 was purposely added to the PREP Guidelines to specifically address source control and subsea containment equipment and prevent confusion with respect to the applicability of requirements within Section 6.3 and 6.4.

Advance Planning for Source Control-related Deployment Exercises: One commenter suggested that BSEE consult with industry during the advance planning of any source control and subsea containment equipment deployment exercises in order to capture past lessons learned and maximize the safety of all exercise participants.

Response: BSEE agrees that collaboration with industry to jointly plan for deployment exercises involving source control equipment is an effective way to capture past lessons learned and maximize safety, as long as such collaboration is compatible with the objectives of the particular equipment deployment exercise. BSEE has added language to Section 6.5 that encourages agency personnel to conduct advance planning with industry whenever possible in preparing for these exercises.

Shared Credit for Source Control and Subsea Containment Deployment Exercises: One commenter suggested that all plan holders who contract for the services of a source control provider should share in the credit for any equipment deployment exercises involving that provider's source control equipment.

Response: As there is no frequency requirement for plan holders to conduct equipment deployment exercises for source control and subsea containment equipment, shared credit is not necessary for these exercises at this time. However, if any frequency for such equipment deployment exercises were to be established in the regulations in the future, BSEE agrees that credit for any such equipment deployment exercises should be shared amongst all the plan holders that contract for that provider's services. BSEE will consider any source control and subsea containment deployment exercises that have been completed by a contracted provider in the past when evaluating the need for a GIUE involving a different plan holder but involving the same provider or equipment.

Frequency of Source Control and Subsea Containment Exercises: Numerous commenters raised concerns regarding the frequency of deployment exercises for source control and subsea containment equipment, and offered suggestions on potential deployment requirements and verification practices. One commenter felt it was essential to test the full range of source control and subsea containment equipment, including all necessary supporting logistical arrangements, once every triennial cycle. Another commenter supported a much more limited deployment and testing regime of this equipment and recommended an interval of once every nine years. Five commenters stated that frequent deployment of capping stacks in exercises could damage the equipment and result in plan holders not having source control equipment coverage while repairs are made.

Response: BSEE is required to verify the ability and preparedness of plan holders to implement their source control plans (as outlined in their Oil Spill Response Plans or referenced Regional Containment Demonstrations). BSEE recognizes industry's many concerns regarding the costs, safety concerns, and operational disruptions that may accompany the deployment of this equipment. BSEE also appreciates the many suggestions that were offered by commenters for possible deployment frequencies and verification best practices. As the current regulations in 30 CFR part 254 do not establish a required interval for the deployment of this type of equipment, the PREP Guidelines cannot provide any additional guidance on a specific interval requirement at this time. In the absence of any defined scope and frequency interval in the regulations, BSEE will continue to conduct deployments of source control capabilities at the discretion of the BSEE Oil Spill Preparedness Division (OSPD) Chief, in consultation with the appropriate BSEE Regional Director, as needed to assess and verify the overall preparedness of a plan holder, or group of plan holders, to operate in an Outer Continental Shelf (OCS) Region. As the scope and cost of such deployment exercises can be quite large, BSEE does not intend to require plan holders or providers of source control, subsea containment, and supporting equipment to conduct deployment exercises at the same semi-annual or annual frequency as required for other spill response equipment. BSEE will continue to evaluate the information that was submitted to the docket as BSEE prepares to update its regulations in 30 CFR part 254.

Operational Risk during Deployment Exercises: Five commenters stated that source control and subsea containment equipment should be removed from the equipment deployment section of the Guidelines due to the perceived increased risk that any such deployment operations might entail.

Response: BSEE disagrees. As with the deployment of any substantial and complex piece of response equipment, safety risks are present, but can be effectively addressed through proper attention to, and implementation of, safe working practices and operational risk management throughout the exercise.

Deployment Exercises for Subsea Dispersant Injection (SSDI) Equipment: One commenter stated that if SSDI equipment in an OSRP were to be used in conjunction with the deployment of source control and subsea containment operations, SSDI should be included in Section 6.5 of the Guidelines regarding source control and subsea containment deployment exercises. The commenter also stated that a requirement to develop dispersant stockpile management plans should be added to the contents of Regional Containment Demonstration Plans.

Response: BSEE agrees in part. The deployment of SSDI equipment will occur in close proximity to the deployment of source control and subsea containment equipment, and will involve many similar logistical and operational challenges. As such, BSEE will treat the deployment exercises of these two types of equipment in a similar manner. BSEE will not require plan holders to exercise their SSDI equipment at the same frequency intervals as other spill countermeasures that are designed for removing or mitigating oil at the water's surface. Plan holders will only be required to exercise SSDI equipment upon receiving direction from the Chief of OSPD, or the Chief's designated representative. However, plan holders should carefully describe how SSDI capabilities will be used in their OSRPs. Plan holder exercises and training, BSEE equipment verifications, and GIUEs should also reflect this information. Completing SSDI usage requests and plans, as well as completing dispersant stockpile management plans (as appropriate), were also added in response to comments as possible exercise objectives in Section 6.2, which provides guidance on BSEE-required IMT exercises. While BSEE acknowledges the value of adding information that addresses the management of dispersant stockpiles in the Regional Containment Demonstration Plans, the content of the Regional Containment Demonstrations is outside of the scope of the PREP Guidelines document.

GIUEs Involving Source Control, Subsea Containment, and Supporting Equipment: One commenter stated that source control and subsea containment equipment should be excluded from deployment during a GIUE. Five commenters raised concerns regarding cost, high risks, and substantial time burdens associated with unannounced exercises of this equipment, and questioned their utility to demonstrate real readiness. In particular, these commenters raised concerns regarding the cost and impacts to industry operations if source control and subsea containment equipment must be recalled from active commercial service and deployed in a GIUE. One commenter further elaborated on the potential for disruption and the expected challenges of obtaining the necessary equipment during a non-emergency GIUE due to the mutual aid nature of the arrangements made for equipment through their source control provider that is likely to remain in active service until an emergency occurs. The commenters further stated that they, in collaboration with other plan holders, USCG, and BSEE, conduct annual IMT exercises and training with their source control provider to ensure that they are ready to implement source control activities during an incident, which should obviate the need to conduct any GIUEs involving source control capabilities. One commenter stated that logistical systems supporting source control operations should be deployed and exercised triennially in a GIUE. Five commenters stated that quarterly material inspections and testing of capping stacks is adequate to ensure the preparedness of a plan holder and source control provider, and that deployments of the capping stack and other source control equipment in an unannounced exercise are unnecessary. Five commenters suggested that BSEE coordinate with the plan holder to observe source control equipment that is in daily operational use in normal drilling operations to verify its material condition, availability, and operational readiness, rather than requiring the equipment to be deployed in an exercise. Five commenters stated that during a GIUE targeting the deployment of source control or subsea containment equipment, the plan holder or service provider should be able to provide documentation of past operational use in lieu of conducting an actual deployment of the equipment.

Response: BSEE fully acknowledges industry's concerns regarding the complexity, operational impacts, and costs associated with a GIUE of any source control and subsea containment equipment, and will factor these concerns into any decisions requiring such exercises. BSEE will also evaluate the potential for costs and disruptions to mutual aid sources of equipment when considering the possibility of designing, holding, and evaluating any GIUE that would involve the deployment of such equipment. BSEE will also evaluate a plan holder's and their source control providers' exercise, training, and maintenance programs in their assessment of the plan holder's overall preparedness when determining the need to hold a GIUE involving source control capabilities. BSEE agrees that plan holder-initiated exercises and training, whether announced or unannounced, are critical parts of plan holder preparedness. However, BSEE also believes that GIUEs serve as an important added incentive for plan holders to maintain their readiness. The GIUE is an important evaluation and compliance tool used by BSEE in exercising its oversight responsibilities that is not always adequately replicated by agency participation in plan holder-initiated exercises and training. BSEE believes that the logistical systems that support source control and subsea containment operations are candidates to be part of the potential scope and exercise objectives for a GIUE. BSEE has added language to that effect in the subsection providing guidance on BSEE GIUEs. BSEE does not, however, set or implement regular frequency intervals for deploying or exercising the specific capabilities, whether spill response, source control, or supporting logistical systems, for any specific plan holder, OSRO, or support service provider through its execution of GIUEs. The inspection and testing of source control equipment conducted under 30 CFR part 250 have a different focus and purpose from GIUEs and equipment deployment exercises conducted under 30 CFR part 254 and PREP. BSEE acknowledges that these activities may be synergistic in ensuring overall preparedness; however, they are not redundant to the point of making one or the other unnecessary. The inspection and testing of capping stacks is an important part of the overall process of ensuring and maintaining the functionality and proper operating condition of source control capabilities; PREP exercises, on the other hand, often focus on an operator's ability to mobilize and deploy the equipment, and on the proficiencies of response personnel who must operate the equipment in emergency conditions. BSEE will certainly consider the overall performance of these tests and inspections when considering whether there is a need to hold a deployment exercise, whether announced or a GIUE, of a capping stack or other significant source control equipment. BSEE acknowledges the potential utility of conducting checks of equipment while it is in actual operational use as a form of verifying material readiness, and may elect to pursue this means in certain circumstances. However, checks performed in this manner may not always satisfy BSEE compliance and exercise objectives or requirements for evaluating certain aspects of a plan holder's and their source control providers' overall readiness. BSEE disagrees with the suggested practice of providing documentation of past operational use as the default means of meeting GIUE deployment exercise expectations and objectives; however, it is left to the discretion of the BSEE officials conducting the GIUE to determine what level of actual deployment operations will be required to test spill response preparedness and what items may be satisfied through the presentation of documentation. Decisions regarding focus, scope, and means of compliance for any BSEE-initiated GIUE objectives that will test spill response preparedness, including those involving source control and subsea containment equipment, is at the discretion of the BSEE OSPD Office Chief and the Chief's designated Section personnel conducting the GIUE. BSEE does not intend to routinely conduct GIUEs that include the deployment of source control, subsea containment, and supporting equipment as part of the scope of a GIUE; however, BSEE has the authority and retains the prerogative to require GIUEs that have the deployment of source control, subsea containment, and/or supporting equipment as an element of that exercise, or to require deployment exercises of this equipment that are coordinated in advance but have some elements and objectives that will remain undisclosed until the commencement of the exercise. As organizations that provide source control, subsea containment, and supporting equipment and services cover multiple plan holders, if any deployment exercise is successfully conducted by such a service provider, BSEE will honor credit for that deployment exercise to all plan holders who contract with the provider for that equipment. This extension of credit does not extend to IMT exercises where the management and oversight of source control activities must be exercised to ensure proper integration with other surface response activities and the overall management of the incident. These IMT exercises must include interaction between officials from a plan holder's specific organization and its IMT, including those officials who would manage source control and subsea containment activities, and therefore should be conducted separately and singularly for each OSRP.

Frequency of GIUEs Conducted by BSEE: Five commenters requested that BSEE clarify language regarding the frequency of GIUEs, and specifically requested that the word "generally" be removed regarding the applicability of a GIUE to any facility. One commenter stated that each BSEE OSPD Section should set a minimum number of GIUEs that will be conducted in each OCS Region, and those numbers and exercise results should be published annually.

Response: BSEE agrees with the requested clarification of removing the word "generally", and has made the requested change. BSEE disagrees that the Bureau should be bound to a fixed number of GIUEs for any given year. BSEE will use a number of factors that vary from year to year in determining the need to conduct GIUEs and will use risk-based decision-making tools whenever possible. The current language in the revised Guidelines has been retained to indicate that the number of GIUEs conducted by BSEE will be determined by the BSEE OSPD Chief, and does not make any reference to a specific minimum number that must be conducted in a given year. In order to maintain maximum flexibility in conducting GIUEs as preparedness needs dictate, BSEE does not intend to publish any information in advance regarding the number of GIUEs being planned during a calendar year. BSEE does publish the number of GIUEs that were conducted each year in its Annual Report, which is available for public viewing on the BSEE Web site. BSEE does not publish the specific results of each GIUE in the report.

Dispersant Application Requests and Usage Plans: Two commenters stated that IMTs should be proficient in preparing request forms and application plans for the use of aerial dispersants to the FOSC/RRT, and that the Daily Aerial/Vessel Dispersant Application Plan, as outlined in API Technical Report 1148, is an acceptable template that would provide for a consistent methodology for such plans.

Response: BSEE agrees, and has inserted language in their IMT exercise guidance recommending that IMTs use the API Technical Report in preparing the requests and usage plans.

IV. Public Availability of 2016 PREP Guidelines

The PREP 4C has finalized the 2016 PREP Guidelines which will be publicly available on a new NSFCC/PREP4C Web site and can also be found at *https://Homeport.uscg.mil/exercises.* The USCG is releasing the 2016 PREP Guidelines on behalf of the PREP 4C.

Dated: April 5, 2016.

P.J. Brown,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Response Policy.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2016–0204]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0118

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of revision to the following collection of information: 1625–0118, Various International Agreement Certificates and Documents. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before June 10, 2016.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2016–0204] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the "Public participation and request for comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from:

COMMANDANT (CG–612), ATTN: PAPERWORK REDUCTION ACT MANAGER, U.S. COAST GUARD, 2703 MARTIN LUTHER KING JR AVE SE., STOP 7710, WASHINGTON, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise this ICR or decide not to seek approval of revisions of the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2016–0204], and must be received by June 10, 2016.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Various International Agreement Certificates and Documents.

OMB Control Number: 1625–0118.

Summary: This information collection is associated with the Maritime Labour Convention (MLC), 2006. The Coast Guard established a voluntary inspection program for vessels who wish to document compliance with the requirements of the MLC. U.S. commercial vessels that operate on international routes are eligible to participate. The Coast Guard issues voluntary compliance certificates as proof of compliance with the MLC.

Need: This information is needed to determine if a vessel is in compliance with the Maritime Labour Convention, 2006.

Forms: CG–16450, Maritime Labour Certificate; CG–16450A, Interim Maritime Labour Certificate; CG–16450B, Declaration of Maritime Labour Compliance—Part 1; CG–16450C, Maritime Labour Convention, 2006 Inspection Report.

Respondents: Vessel owners and operators.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 4,150 hours a year to 625 hours a year due to a decrease in the estimated number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: April 1, 2016.

Thomas P. Michelli,

U.S. Coast Guard, Deputy Chief Information Officer.

[FR Doc. 2016–08222 Filed 4–8–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2016–0253]

Merchant Marine Personnel Advisory Committee

AGENCY: Coast Guard, DHS.

ACTION: Notice of Federal Advisory Committee Working Group Meeting.

SUMMARY: A working group of the Merchant Marine Personnel Advisory Committee will meet to work on Task Statement 30, which asks the committee to evaluate utilizing military education, training, and assessment to satisfy national and STCW[1] credential requirements. The working group will specifically consider a pilot military-to-mariner training and program/course approval workshop for Officer in Charge Engineering Watch. These meetings will be open to the public.

DATES: The Merchant Marine Personnel Advisory Committee working group is scheduled to meet daily on April 27, 2016 to April 29, 2016 from 8 a.m. until 5:30 p.m. Please note that these meetings may adjourn early if the working group has completed its business.

ADDRESSES: The meetings will be held at the U.S. Army Transportation School, Maritime Simulation Center, 839 Levy Street, Fort Eustis, VA 23604. Entrance to the Base must be made via the Fort Eustis Main Gate and a government issued identification will be required. Please arrive at least 30 minutes early for processing. For further information about the meeting facilities, please contact Ms. Lesa Barbour at (757) 878–6240. Please be advised that all attendees are required to notify the Merchant Marine Personnel Advisory Committee Alternate Designated Federal Officer of your attendance no later than April 21, 2016 using the contact information provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the Alternate Designated Federal Officer as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the working group as listed in the "Agenda" section below. Written comments for distribution to working group members must be submitted no later than April 21, 2016, if you want the working group members to be able to review your comments before the meeting, and must be identified by docket number USCG–2016–0253. Written comments may be submitted using the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the Alternate Designated Federal Officer for alternate instructions.

Instructions: All submissions received must include the words "Department of Homeland Security" and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Docket: For access to the docket to read documents or comments related to this notice, go to *http://www.regulations.gov,* type USCG–2016–0253 in the Search box, press Enter, and then click on the item you wish to view.

FOR FURTHER INFORMATION CONTACT: Mr. Davis Breyer, Alternate Designated Federal Officer of the Merchant Marine Personnel Advisory Committee, 2703 Martin Luther King Jr. Ave. SE., Stop 7509, Washington, DC 20593–7509, telephone 202–372–1445, fax 202–372–8382, or *Davis.J.Breyer@uscg.mil.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, Title 5 United States Code Appendix.

The Merchant Marine Personnel Advisory Committee was established under authority of section 310 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014, Title 46, United States Code, section 8108, and chartered under the provisions of the Federal Advisory Committee Act, (Title 5, United States Code, Appendix). The Committee acts solely in an advisory capacity to the Secretary of the Department of Homeland Security through the Commandant of the Coast Guard on matters relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards and other matters as assigned by the Commandant; shall review and comment on proposed Coast Guard regulations and policies relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards; may be given special assignments by the Secretary and may conduct studies, inquiries, workshops, and fact finding in consultation with individuals and groups in the private sector and with State or local governments; shall advise, consult with, and make recommendations reflecting its independent judgment to the Secretary.

Agenda

Day 1

The agenda for the April 27, 2016 meeting is as follows:

(1) The working group will meet briefly to discuss Task Statement 30, Utilizing military education, training and assessment for the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers and U.S. Coast Guard Certifications; the purpose and goals of this intercessional; and the organization of this intercessional/workshop;

(2) Reports of working sub-groups. At the end of the day, the working sub-groups will report to the full working group on what was accomplished in their meetings. The full working group will not take action on these reports on this date. Any action taken as a result of this working group meeting will be taken on day 3 of the meeting.

(3) Public comment period.

(4) Adjournment of meeting.

Day 2

The agenda for the April 28, 2016 meeting is as follows:

(1) The working group will meet briefly to discuss Task Statement 30, Utilizing military education, training and assessment for the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers and U.S. Coast Guard

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[1] International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended.

Certifications; the purpose and goals of this intercessional for this date; and any adaptations to the organization of this intercessional;

(2) Reports of working sub-groups. At the end of the day, the working sub-groups will report to the full working group on what was accomplished in their meetings. The full working group will not take action on these reports on this date. Any action taken as a result of this working group meeting will be taken on day 3 of the meeting.

(3) Public comment period.

(4) Adjournment of meeting.

Day 3

The agenda for the April 29, 2016 meeting is as follows:

(1) The working group will meet briefly to discuss Task Statement 30, Utilizing military education, training and assessment for the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers and U.S. Coast Guard Certifications; the purpose and goals of this intercessional for this date; and any adaptations to the organization of this intercessional;

(2) Reports of working sub-groups. The working sub-groups will report to the full working group on what was accomplished in their meetings. The full working group will not take action on these reports at this time. Any action taken as a result of this working group meeting will be taken after the public comment period.

(3) Public comment period.

(4) Preparation of the meeting report to the Committee.

(5) Adjournment of meeting.

A public comment period will be held during each day during the working group meeting concerning matters being discussed. Speakers are requested to limit their comments to 3 minutes. Please note that the public comment periods may end before the prescribed ending times following the last call for comments.

Please contact Mr. Davis Breyer, listed in the **FOR FURTHER INFORMATION CONTACT** section, to register as a speaker. Please note that the meeting may adjourn early if the work is completed.

Dated: April 5, 2016.

J.G. Lantz,

Director of Commercial Regulations and Standards, United States Coast Guard.

[FR Doc. 2016–08198 Filed 4–8–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[Docket No. USCBP–2016–0017]

Commercial Customs Operations Advisory Committee (COAC)

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security (DHS).

ACTION: Committee Management; Notice of Federal Advisory Committee Meeting.

SUMMARY: The Commercial Customs Operations Advisory Committee (COAC) will meet in Washington, DC. The meeting will be open to the public.

DATES: The Commercial Customs Operations Advisory Committee (COAC) will meet on Wednesday, April 27, 2016, from 9:30 a.m. to 12:30 p.m. EDT. Please note that the meeting may close early if the committee has completed its business.

Pre-Registration: Meeting participants may attend either in person or via webinar after pre-registering using a method indicated below:

- —For members of the public who plan to attend the meeting in person, please register either online at *https://apps.cbp.gov/te_reg/index.asp?w=69;* by email to *tradeevents@dhs.gov;* or by fax to (202) 325–4290 by 5:00 p.m. EDT by April 22, 2016. You must register prior to the meeting in order to attend the meeting in person.
- —For members of the public who plan to participate via webinar, please register online at *https://apps.cbp.gov/te_reg/index.asp?w=68;* by 5:00 p.m. EDT by April 22, 2016. Feel free to share this information with other interested members of your organization or association.

Members of the public who are pre-registered and later require cancellation, please do so in advance of the meeting by accessing one (1) of the following links: *https://apps.cbp.gov/te_reg/cancel.asp?w=69;* to cancel an in person registration, or *https://apps.cbp.gov/te_reg/cancel.asp?w=68;* to cancel a webinar registration.

ADDRESSES: The meeting will be held at the U.S. Customs and Border Protection, Office of Training and Development, 1717 H Street NW., Washington, DC 20006. There will be signage posted directing visitors to the location of the conference room.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection at (202) 344–1661 as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the committee prior to the formulation of recommendations as listed in the "Agenda" section below.

Comments must be submitted in writing no later than April 18, 2016, and must be identified by Docket No. USCBP–2016–0017, and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: Tradeevents@dhs.gov.* Include the docket number in the subject line of the message.
- *Fax:* (202) 325–4290.
- *Mail:* Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Room 3.5A, Washington, DC 20229.

Instructions: All submissions received must include the words "Department of Homeland Security" and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov.* Please do not submit personal information to this docket.

Docket: For access to the docket or to read background documents or comments, go to *http://www.regulations.gov* and search for Docket Number USCBP–2016–0017. To submit a comment, see the link on the Regulations.gov Web site for "How do I submit a comment?" located on the right hand side of the main site page.

There will be multiple public comment periods held during the meeting on April 27, 2016. Speakers are requested to limit their comments to two (2) minutes or less to facilitate greater participation. Contact the individual listed below to register as a speaker. Please note that the public comment period for speakers may end before the time indicated on the schedule that is posted on the CBP Web page, *http://www.cbp.gov/trade/stakeholder-engagement/coac,* at the time of the meeting.

FOR FURTHER INFORMATION CONTACT: Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Room 3.5A, Washington, DC 20229; telephone (202) 344–1661; facsimile (202) 325–4290.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the *Federal Advisory Committee Act,* 5 U.S.C.

Appendix. The Commercial Customs Operations Advisory Committee (COAC) provides advice to the Secretary of Homeland Security, the Secretary of the Treasury, and the Commissioner of U.S. Customs and Border Protection (CBP) on matters pertaining to the commercial operations of CBP and related functions within the Department of Homeland Security and the Department of the Treasury.

Agenda

The Commercial Customs Operations Advisory Committee (COAC) will hear from the following subcommittees on the topics listed below and then will review, deliberate, provide observations, and formulate recommendations on how to proceed on those topics:

1. The Trade Enforcement and Revenue Collection (TERC) Subcommittee will discuss the progress made on prior TERC recommendations, the Intellectual Property Rights Working Group, Bond Working Group and recommendations from the Antidumping and Countervailing Duty Working Group.
2. The Trusted Trader Subcommittee will discuss their vision for an enhanced Trusted Trader concept that includes engagement with CBP to include relevant partner government agencies with a potential for international interoperability.
3. The Trade Modernization Subcommittee will discuss the progress of the Centers of Excellence and Expertise Uniformity ("Centers") Working Group. The subcommittee will provide an update on areas they have identified for Centers to develop uniform policies, processes and strategies, with consideration of an industry-focused and account-based approach. The subcommittee will also discuss the progress of the International Engagement and Trade Facilitation Working Group which is identifying examples of best practices in the U.S. and abroad that facilitate trade and could be applied globally. Additionally, the subcommittee will also discuss the formation of a Role of the Broker Working Group to provide updated recommendations for revising 19 CFR 111.
4. The One U.S. Government Subcommittee will discuss progress of the Automated Commercial Environment (ACE) Single Window efforts and the previous COAC recommendations related to this matter. CBP will respond to the working group's previous recommendations and suggestions. There will also be an update from the North American Single Window Working Group on developments of the North American Single Window Vision statement.
5. The Exports Subcommittee will discuss the progress of the Air, Ocean, and Rail Manifest Pilots, and the beginning of work planned for the Truck Manifest sub-workgroup, which will be coordinating with the 1 USG North American Single Window (NASW) work group to ensure that the groups are not duplicating work. The Post Departure Filing (PDF) workgroup will be discussing the results of its planned Table Top exercise.
6. The Global Supply Chain Subcommittee will review and discuss recommendations related to the Pipeline Working Group and also provide an update on pilot discussions with industry. In addition, the subcommittee will report on the startup of the Customs-Trade Partnership Against Terrorism (C–TPAT) Working Group that will be reviewing and developing recommendations to update the C–TPAT minimum security criteria.

Meeting materials will be available by April 22 2016, at: *http://www.cbp.gov/trade/stakeholder-engagement/coac/coac-public-meetings.*

Dated: April 6, 2016.

Maria Luisa Boyce,

Senior Advisor for Private Sector Engagement, Office of Trade Relations.

[FR Doc. 2016–08211 Filed 4–8–16; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of King Laboratories, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of King Laboratories, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that King Laboratories, Inc., has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of September 16, 2015.

DATES: Effective Dates: The accreditation and approval of King Laboratories, Inc., as commercial gauger and laboratory became effective on September 16, 2015. The next triennial inspection date will be scheduled for September 2018.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that King Laboratories, Inc., 1300 E. 223rd St., #401, Carson, CA 90745, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. King Laboratories, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API Chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
12	Calculation of Petroleum Quantities.
17	Marine Measurement.

King Laboratories, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–02	ASTM D–1298	Standard Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method.
27–08	ASTM D–86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov*. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: April 1, 2016.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2016–08213 Filed 4–8–16; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R6–ES–2015–N189; 60120–1113–0000–C2]

Endangered and Threatened Wildlife and Plants; Draft Recovery Plan for Preble's Meadow Jumping Mouse

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability for review and comment.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability of a draft recovery plan for the Preble's meadow jumping mouse. This species is federally listed as threatened under the Endangered Species Act of 1973, as amended (ESA). The Service solicits review and comment from the public on this draft plan.

DATES: Comments on the draft recovery plan must be received on or before June 10, 2016.

ADDRESSES: Copies of the draft revised recovery plan are available by request from the Colorado Field Office, U.S. Fish and Wildlife Service, PO Box 25486–DFC, Denver, CO 80225; telephone 303–236–4773. Submit comments on the draft recovery plan to the Field Supervisor at this same address. An electronic copy of the draft recovery plan is available at *http://www.fws.gov/endangered/species/recovery-plans.html.*

FOR FURTHER INFORMATION CONTACT: Field Supervisor, at the above address, or telephone 303–236–4773.

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service prepares recovery plans for the federally listed species native to the United States where a plan will promote the conservation of the species. Recovery plans describe site-specific actions necessary for the conservation of the species; establish objective, measurable criteria which, when met, would result in a determination that the species no longer needs the protection of the ESA (16 U.S.C. 1531 *et seq.*); and provide estimates of the time and cost for implementing the needed recovery measures.

The ESA requires recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the ESA, as amended in 1988, requires that public notice and opportunity for public review and comment be provided during recovery plan development. The Service will consider all information received during a public comment period when preparing each new or revised recovery plan for approval. The Service and other Federal agencies also will take these comments into consideration in the course of implementing approved recovery plans. It is our policy to request peer review of recovery plans. We will summarize and respond to the issues raised by the public and peer reviewers in an appendix to the approved recovery plan.

The Preble's meadow jumping mouse (*Zapus hudsonius preblei*), found in foothills riparian habitat from southeastern Wyoming to south central Colorado, was listed as a threatened subspecies under the ESA, effective June 12, 1998 (May 13, 1998; 63 FR 26517). At the time of listing, the subspecies was threatened by habitat alteration, degradation, loss, and fragmentation resulting from urban development, flood control, water development, agriculture, and other human land uses. No range-wide population estimates exist for the subspecies. Numerous surveys conducted in the last decade lead us to believe that there are adequate numbers and distributions of Preble's meadow jumping mouse populations present today to allow recovery of the subspecies; however, many of these populations face continued threats to their persistence.

The recovery strategy is based upon the assumption that if specific criteria are met for certain existing populations, the Preble's mouse can be recovered. These criteria require that populations are maintained in designated habitats distributed throughout the existing range, the populations and habitats are secure from decline due to existing threats listed above, the populations are self-sustaining and persistent, a long-term management plan and cooperative agreement is completed, and there is effective public involvement.

Request for Public Comments

The Service solicits public comments on the draft recovery plan. All comments received by the date specified in **DATES** will be considered prior to approval of the plan. Written comments and materials regarding the plan should be addressed to the Field Supervisor (see **ADDRESSES** section). Comments and materials received will be available, by appointment, for public inspection during normal business hours at the above address.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: February 25, 2016.

Matt Hogan,

Acting Regional Director, Denver, Colorado.

[FR Doc. 2016–08241 Filed 4–8–16; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2016–N065; FXES1 1120800000–156–FF08EVEN00]

Habitat Conservation Plan for the Morro Shoulderband Snail; Sweet Springs Nature Preserve, Community of Los Osos, San Luis Obispo County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received an application from Morro Coast Audubon Society (MCAS) for a 15-year incidental take permit (ITP) under the Endangered Species Act of 1973, as

amended. The application addresses the potential for "take" of the federally endangered Morro shoulderband snail likely to result incidental to the removal of nonnative vegetation, restoration of native coastal dune scrub habitat, construction and ongoing uses of a coastal access trail, and routine maintenance of preserve lands on approximately 31 acres known as Sweet Springs Nature Reserve in the unincorporated community of Los Osos, San Luis Obispo County, California. We invite comments from the public on the application package, which includes a draft habitat conservation plan (HCP) and draft low-effect screening form and environmental action statement, which constitutes our proposed National Environmental Policy Act (NEPA) compliance.

DATES: To ensure consideration, please send your written comments by May 11, 2016.

ADDRESSES: You may download a copy of the draft HCP and draft low-effect screening form and environmental action statement on the internet at *http://www.fws.gov/ventura/*, or you may request copies of the documents by U.S. mail to our Ventura office, or by phone (see **FOR FURTHER INFORMATION CONTACT**). Please address written comments to Stephen P. Henry, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003. You may alternatively send comments by facsimile to (805) 644–3958.

FOR FURTHER INFORMATION CONTACT: Julie M. Vanderwier, Senior Fish and Wildlife Biologist, at the Ventura office address or by phone at (805) 644–1766.

SUPPLEMENTARY INFORMATION: We have received an application from the MCAS for an ITP pursuant to section 10(a)(1)(B) of the Endangered Species Act (Act; 16 U.S.C. 1531 *et seq.*). The application addresses take of the federally endangered Morro shoulderband snail (*Helminthoglypta walkeriana*) likely to occur incidental to operation and maintenance of the existing preserve, habitat enhancement and restoration, enhanced public use, and invasive nonnative tree trimming/removal within three existing legal parcels that total approximately 31 acres collectively known as Sweet Springs Nature Preserve. The requested permit term is 15 years and the permit would be subject to renewal. We invite comments from the public on the application package. Issuance of an ITP pursuant to this HCP has been determined to be eligible for a categorical exclusion under NEPA.

Background

The Morro shoulderband snail was listed as endangered on December 15, 1994 (59 FR 64613). Section 9 of the Act and its implementing regulations (16 U.S.C. 1531 *et seq.*) prohibit the take of fish or wildlife species listed as endangered or threatened. Under the Act, "take" is defined to include the following activities: "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (16 U.S.C. 1532). Under section 10(a)(1)(B) of the Act, we may issue permits to authorize take of listed species if it is incidental to other lawful activities and not the purpose of carrying out that activity. The Code of Federal Regulations provides those regulations governing incidental take permits for threatened and endangered species at 50 CFR 17.32 and 17.22. Issuance of an incidental take permit must not jeopardize the existence of any federally listed fish, wildlife or plant species.

The Applicant's Proposed Project

As the owner and manager of Sweet Springs Nature Preserve, MCAS proposes to implement the following under required regulatory authorization: (1) Provide public access to Sweet Springs Nature Preserve; (2) conduct surveys for, capture, and move Morro shoulderband snails out of harm's way; (3) conduct habitat enhancement activities (*e.g.*, non-native species removal, planting and seeding native plant species, irrigation) in the eastern parcel of the preserve; (4) install access improvements (including Americans with Disabilities Act–compliant parking) and other amenities in the eastern parcel of the preserve; (5) maintain, replace, and enhance existing facilities throughout the preserve; (6) maintain and irrigate restored/enhanced vegetation as needed to ensure success; (6) construct, improve, and maintain trails; (7) trim and/or remove nonnative trees; and (8) limit/direct foot traffic to trails and identified areas consistent with the stewardship agreement by which MCAS was deeded the property from the California Coastal Conservancy.

The draft HCP contains two alternatives to the proposed action: "No Action" and "Alternate Design." Under the "No Action" alternative, the Service would not issue an ITP, and trail and overlook construction, installation of fencing, and habitat restoration would not occur. Unauthorized neighborhood uses of the parcels that could cause take of Morro shoulderband snail would continue. MCAS would not be able to open this portion of Sweet Springs Nature Preserve to the public due to inadequate access. Failure to open the preserve would contravene the terms of the agreement by which MCAS was deeded the property. Repossession of the property by the California Coastal Conservancy could interrupt stewardship of the parcel, and habitat degradation would be expected to result. For these reasons and because the proposed action results in a net benefit for the Morro shoulderband snail, the "No Action" alternative has been rejected.

The "Alternate Design" alternative is similar to the proposed action, except that it eliminates approximately 450 linear feet of trail and would include a slightly smaller lookout. Access to the main trail from the existing trail on the central preserve would be reduced to just one connecting trail. This alternative would remove the small loop that is proposed near the middle of the main trail and replace it with a wider path. The location of the lookout would not change but the footprint would be reduced by approximately 40 percent. Selection of this alternative would provide less public benefit than the proposed project and be less efficient at directing human traffic away from existing habitat occupied by Morro shoulderband snail. For these reasons, the "Alternate Design" alternative has also been rejected.

Our Preliminary Determination

We have determined that the applicant's proposal will have a minor or negligible effect on the Morro shoulderband snail and that the HCP qualifies for processing as a low-effect plan consistent with our Habitat Conservation Planning Handbook (November 1996). Three criteria form the basis for our determination: (1) The proposed project as described in the HCP would result in minor or negligible effects on federally listed, proposed, and/or candidate species and their habitats; (2) implementation of the HCP would result in minor negligible effects on other environmental values or resources; and (3) HCP impacts, considered together with those of other past, present, and reasonably foreseeable future projects, would not result in cumulatively significant effects. It is our preliminary determination that HCP approval and ITP issuance qualify for categorical exclusion under the NEPA (42 U.S.C. 4321 *et seq.*), as provided by the Department of the Interior implementing regulations in part 46 of title 43 of the Code of Federal Regulations (43 CFR 46.205, 46.210, and 46.215). However, we may revise our determination based upon review of public comments received in response to this notice.

Next Steps

We will evaluate the permit application, including the draft HCP and comments we receive, to determine whether it meets the requirements of section 10(a)(1)(B) of the Act. We will also evaluate whether issuance of the ITP would comply with section 7of the Act by conducting an intra-Service consultation pursuant to section 7(a)(2).

Public Review

We request comments from the public regarding our preliminary determination that the applicant's proposal will have a minor or negligible effect on the Morro shoulderband snail and that the HCP qualifies for processing as a low-effect. We will evaluate comments received and make a final determination regarding whether the application meets the requirements of section 10(a)(1)(B) of the Act. We will incorporate the results of our intra-Service consultation, in combination with the above findings, in our final analysis to determine whether to issue the ITP. If all of our requirements are met, we will issue the ITP to the applicant. Permit issuance would not occur less than 30 days from the date of this notice.

Public Comments

If you wish to comment on the permit application, HCP, and associated documents, you may submit comments by any one of the methods provided in **ADDRESSES**.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10(c) of the Act and the NEPA public involvement regulations (40 CFR 1500.1(b), 1500.2(d), and 1506.6).

Dated: April 4, 2016.

Stephen P. Henry,

Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.

[FR Doc. 2016–08238 Filed 4–8–16; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[167 A2100DD/AAKC001030/ A0A501010.999900]

Supplemental Notice of Intent To Revise the Osage County Oil and Gas Draft Environmental Impact Statement, Osage County, Oklahoma

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This Supplemental Notice advises the public that the Bureau of Indian Affairs (BIA) as Lead Agency will be revising the Draft Environmental Impact Statement for the Osage County Oil and Gas program. The BIA will work with cooperating agencies and others to gather additional information and work to prepare an Environmental Impact Statement (EIS). This Supplemental Notice announces an additional public scoping meeting to identify potential issues and content for inclusion in the EIS. The BIA solicits written comments and oral comments at the public meeting on the range of reasonable alternatives for implementing the proposed action and issues to be addressed in the revised Draft EIS, such as information regarding the level of oil and gas development in Osage County or possible mitigation measures for environmental and socioeconomic impacts of that development.

DATES: Written comments on the scope and implementation of the proposal must arrive by Friday, May 8, 2016. A public scoping meeting will be held at the Wah Zha Zhi Cultural Center from 3 p.m. to 6 p.m. on April 28, 2016. The date and location of the public meeting, including any changes, will be announced at least 15 days in advance through notices in the following local newspapers: Hominy News Progress, Pawhuska Journal Capital, Skiatook, and Tulsa World and will be posted on the following Internet location: *http://www.bia.gov/WhoWeAre/RegionalOffices/EasternOklahoma/WeAre/Osage/OSAGEOilGasEIS/index.htm.*

ADDRESSES: You may mail, email, hand deliver, or fax written comments to Ms. Jeannine Hale, BIA Eastern Oklahoma Regional Office, P.O. Box 8002, Muskogee, Oklahoma 74402–8002; fax (918) 781–4667; email: *osagecountyoilandgaseis@bia.gov.*

The April 28, 2016, public scoping meeting will be held at the Wah Zha Zhi Cultural Center, 1449 Main Street, Pawhuska, Oklahoma.

FOR FURTHER INFORMATION CONTACT: Ms. Jeannine Hale, Division of Environmental and Cultural Resources, BIA Eastern Oklahoma Regional Office, P.O. Box 8002, Muskogee, Oklahoma 74402–8002, (918) 781–4660.

SUPPLEMENTARY INFORMATION: The BIA previously released a programmatic Osage County Oil and Gas DEIS in November 2015. After the public comment period, the BIA determined that the Osage DEIS should be revised in order to address comments received and take into consideration additional information. This Supplemental Notice advises interested parties that the proposed Federal action(s) is the BIA approval of leases and permits for oil and gas mining activities located in the Osage Mineral Estate. The Osage Mineral Estate is held in trust, and the BIA approves oil and gas leases, applications for permits to drill, and other site-specific permit applications under the authority of the 1906 Osage Allotment Act, as amended and 25 CFR part 226.

The BIA, under delegation of the Secretary of the Interior, is responsible for administering the development of oil and gas resources in Osage County for the benefit of the Osage. The Federal actions, including approvals of leases and issuance of permits, are needed for the BIA to fulfill a portion of its trust responsibility to the Osage and to facilitate the development of the mineral estate. The BIA may use the EIS to support a decision under the National Environmental Policy Act.

Directions for Submitting Public Comments: Please include your name, return address, and the caption "Osage County Oil and Gas Environmental Impact Statement" on the first page of any written comments you submit. You may also submit comments at the public scoping meeting.

Public Comment Availability: Written comments, including names and addresses of respondents, will be available for public review at the BIA, 813 Grandview, Pawhuska, Oklahoma, during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, telephone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information— may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: This notice is published in accordance with Section 1503.1 of the Council on Environmental Quality regulations (40 CFR part 1500 *et seq.*) and the Department of the Interior Regulations (43 CFR part 46) implementing the procedural requirements of the National Environmental Policy Act, as amended (42 U.S.C. 4321 *et seq.*), and in accordance with the authority delegated to the Assistant Secretary—Indian Affairs in Part 209 of the Department Manual.

Dated: April 5, 2016.

Michael S. Black,

Director, Bureau of Indian Affairs.

[FR Doc. 2016–08260 Filed 4–8–16; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[167A2100DD/AAKC001030/A0A501010.999900]

Notice of Intent To Prepare an Environmental Impact Statement for the Fort Mojave Solar Project on the Fort Mojave Indian Reservation, Mohave County, Arizona, and Clark County, Nevada

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs (BIA), as lead agency in cooperation with the Fort Mojave Indian Tribe (Tribe), the Bureau of Land Management (BLM), and other agencies, intends to prepare an Environmental Impact Statement (EIS) that will evaluate a photovoltaic (PV) solar energy generation project on the Fort Mojave Indian Reservation in Mohave County, Arizona. Associated transmission lines and substations located on Tribal trust lands, Federal lands administered and managed by BLM and Bureau of Reclamation (BOR), State-administered lands, and county and private lands in Clark County, Nevada, will also be evaluated.

This notice announces the beginning of the scoping process to solicit public comment and identify potential issues related to the EIS. It also announces that two public scoping meetings will be held to identify potential issues, alternatives, and mitigation to be considered in the EIS.

DATES: In order to be fully considered, written comments on the scope of the EIS or implementation of the proposal must arrive by May 11, 2016. The dates and locations of the public scoping meetings will be published in local papers (*Mohave Valley Daily News, Needles Desert Star,* and *Laughlin Nevada Times*) 15 days before the scoping meetings and will also be available on the EIS Web site at *FortMojaveSolarProjectEIS.com.*

ADDRESSES: You may mail, email, or hand carry written comments to Mr. Chip Lewis, Regional Environmental Compliance Officer, BIA Western Regional Office, 2600 North Central Avenue, 4th Floor Mailroom, Phoenix, Arizona 85004; telephone: (602) 379–6782; email: *chip.lewis@bia.gov.*

SUPPLEMENTARY INFORMATION: The proposed Federal action, taken under 25 U.S.C. 415, is BIA's approval of a solar energy ground lease and associated agreements entered into by the Tribe with Tribal Solar, LLC (Tribal Solar), a wholly-owned subsidiary of First Solar. If approved, these documents would allow the construction and operation of an up-to 332 megawatt (MW) alternating current solar PV electricity generation facility located entirely on the Fort Mojave Indian Reservation and specifically on lands held in trust by the United States for the Tribe. The proposed generation-tie transmission lines and substations required for interconnection would be located on Tribal trust lands, Federal lands administered and managed by BLM and BOR, State-administered lands, and county and private lands in Clark County, Nevada. The BIA and BLM would additionally approve right-of-ways (ROWs) authorizing the construction and operation of the transmission line and other supporting facilities, as needed. Together, the proposed solar energy facility, transmission lines, and other associated facilities will make up the proposed solar project (Project).

The proposed solar energy facility would be located on approximately 2,800 acres of Tribal trust lands leased from the Tribe out of a total of approximately 3,600 acres available under an option for lease. These lands are currently used for agriculture. The solar energy facility would include PV panels, power inverters and transformers, a 34.5 kV collection system either overhead or underground, a substation, an operations and maintenance building with parking, meteorology towers, security fencing and lighting, and other on-site facilities as required.

The Project would interconnect into the existing Mohave 500 kV Switchyard located near the town of Laughlin, Nevada. As proposed, an approximately 18-mile 230 kilovolt (kV) single or multiple circuit line would be built to a new 230/500 kV substation, which would be located next to/near the Mohave 500 kV Switchyard. Here, the voltage would be stepped up to 500 kV and then a short single or multiple circuit 500 kV line would be built from the 230/500 kV substation to connect to the Mohave 500 kV Switchyard.

The solar facility would be located on Tribal lands in Township 18 North, Range 22 West, Sections 3, 4, 9, and 10 and Township 19 North, Range 22 West, Sections 15, 16, 21, 22, 27, 28, 29, 33, and 34 in Arizona. Access to the solar facility site would be provided by existing roads crossing through and next to the proposed solar facility site. Construction of the Project is expected to take approximately 18 to 32 months. Tribal Solar is expected to operate the energy facility for up to 35 years subsequent to the Project's Commercial Operations Date. No water would be used to generate electricity during operations. Water would be needed during construction for dust control and other construction activities and a minimal amount would be needed during operations. The water supply required for portions of the Project on the Reservation would be obtained from the Tribe.

The purposes of the proposed actions and the Project are, among other things, to: use the Tribe's solar energy resources; provide a long-term, diverse, and viable economic revenue base, job opportunities and other benefits for the Tribe; generate clean, renewable electricity to help Southwestern states to meet their State renewable energy needs and reduce demand for generation facilities that might result in cross-border air pollution; and allow the Tribe, in partnership with Tribal Solar, to optimize the use of the lease site while maximizing the potential economic benefit to the Tribe.

BIA will prepare the EIS in cooperation with the Tribe, BLM, and possibly BOR, Army Corps of Engineers, Environmental Protection Agency (EPA), State of Nevada, and Clark County, Nevada. In addition, the U.S. Fish and Wildlife Service (USFWS) will provide input on the analysis and may also serve as a cooperating agency. The resulting EIS will aim to: (1) Provide agency decision makers, the Tribe, and the general public with a comprehensive understanding of the impacts of the proposed Project and alternatives on and off the Reservation;

(2) describe the cumulative impacts of development on the Reservation; and (3) identify and propose mitigation measures that would minimize or prevent significant adverse impacts. Consistent with these objectives, the EIS will analyze the proposed Project and appurtenant features, viable alternatives, and the No Action alternative.

The EIS will provide a framework for BIA and BLM to make determinations and to decide whether to take the aforementioned Federal actions. In addition, BIA and BLM will use and coordinate the NEPA commenting process to satisfy its obligations under Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. 306108), as provided for in 36 CFR 800.2(d)(3). Native American Tribal consultations will be conducted in accordance with Departmental policy, and Tribal concerns, including potential impacts on Indian trust assets, will be given due consideration. Other Federal agencies may rely on the EIS to make decisions under their authority and the Tribe may also use the EIS to support any of their decisions. USFWS will review the EIS for consistency with the Endangered Species Act, as amended, and other implementing acts, and may rely on the EIS to support its decisions and opinions regarding the Project.

Issues to be covered during the scoping process may include, but would not be limited to, Project impacts on: Air quality, geology and soils, surface and groundwater resources, biological resources, threatened and endangered species, cultural resources, socioeconomic conditions, land use, aesthetics, environmental justice, climate change, greenhouse gas (GHG) emissions, and Indian trust resources. In addition to those already identified above, additional Federal, State, and local agencies, along with other stakeholders that may be interested in or affected by the BIA's decision on the proposed Project, are invited to participate in the scoping process.

Submission of Public Comments

Please include your name, return address, and the caption "EIS, Fort Mojave Solar Project," on the first page of any written comments. You may also submit comments at the public scoping meetings or via the EIS Web site at FortMojaveSolarProjectEIS.com.

The public scoping meetings will be held to further describe the Project and identify potential issues and alternatives to be considered in the EIS. One public scoping meeting will be held on the Reservation and another public scoping meeting will be held in Laughlin, Nevada. The dates of the public scoping meetings will be included in notices to be posted in local papers (*Mohave Valley Daily News, Needles Desert Star,* and *Laughlin Nevada Times)* 15 days before the meetings and will also be available on the EIS Web site (FortMojaveSolarProjectEIS.com).

Public Comment Availability

Comments, including names and addresses of respondents, will be available for public review at the mailing address shown in the **ADDRESSES** section during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time.

Authority

This notice is published in accordance with 40 CFR 1501.7 of the Council of Environmental Quality regulations and 43 CFR 46.235 of the Department of the Interior Regulations implementing the procedural requirements of the NEPA (42 U.S.C. 4321 *et seq.*), and in accordance with the exercise of authority delegated to the Assistant Secretary—Indian Affairs by part 209 of the Department Manual.

Dated: March 31, 2016.

Lawrence S. Roberts,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 2016–08264 Filed 4–8–16; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[16X LLAK910000.L13100000.DB0000. LXSINSSI0000]

Notice of Public Meeting, North Slope Science Initiative—Science Technical Advisory Panel

AGENCY: North Slope Science Initiative, Bureau of Land Management Alaska, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act, the U.S. Department of the Interior, North Slope Science Initiative (NSSI)—Science Technical Advisory Panel (STAP) will meet as indicated below.

DATES: The meeting will be held May 9–10, 2016, in Barrow, Alaska. The meeting will be held in the Iñupiat Heritage Center, 5421 Northstar St., Barrow, AK 99723. The meeting will begin on Monday, May 9, 2016, at 1:00 p.m. and again on Tuesday, May 10, at 8:30 a.m. There will be an opportunity for public comment from 4:30 to 5:00 p.m. on Monday, May 9. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited.

FOR FURTHER INFORMATION CONTACT: Denny Lassuy, Acting Director, North Slope Science Initiative, Bureau of Land Management, 222 W. Seventh Avenue, #13, Anchorage, AK 99513, (907) 271–3212 or email *dlassuy@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The NSSI STAP provides advice and recommendations to the NSSI Oversight Group regarding priority information needs for management decisions across the North Slope of Alaska. These priority information needs may include recommendations on inventory, monitoring, and research activities that contribute to informed resource management decisions. This meeting will include interagency coordination on planned 2016 and 2017 research and monitoring projects, plus discussions and updates on the ongoing North Slope Development Scenarios Project, the Arctic Waterway Safety Committee's effort to develop a communications protocol to reduce potential conflicts between research vessels and subsistence users, and a Barrow Area Information Database presentation on their Decision Support Tools Development project. Individuals who plan to attend and need special assistance, such as sign language interpretation, transportation, or other reasonable accommodations, should contact the NSSI Director. The public may present written comments to the STAP through the NSSI Acting Director. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Bud C. Cribley,

State Director.

[FR Doc. 2016–08239 Filed 4–8–16; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVW01000.L144000000.EU0000.241A; N–98298; 15–08807; MO #4500089711; TAS: 15X]

Notice of Realty Action: Segregation and Classification for Conveyance for Recreation and Public Purposes Patent, in Humboldt County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM), Winnemucca District, Nevada, has found suitable for classification and conveyance 1,220 acres of public land in Humboldt County, Nevada, under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended, and provisions of the Taylor Grazing Act. The City of Winnemucca proposes to use the land for a new wastewater treatment and effluent disposal facility to serve Winnemucca, Nevada.

DATES: Submit written comments regarding this conveyance, classification, segregation, on or before May 26, 2016.

ADDRESSES: Send written comments to Stephen Sappington, Field Manager, BLM Humboldt River Field Office, 5100 E. Winnemucca Blvd., Winnemucca, Nevada 89445.

FOR FURTHER INFORMATION CONTACT: Kurt Miers, Project Lead, by telephone at 775–623–1569 or email at *wfoweb@blm.gov* with City of Winnemucca R&PP (Miers) in the subject line. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The City of Winnemucca proposes to construct a new wastewater treatment and effluent disposal facility in order to facilitate expansion/growth in the area. The current facility has been deemed by the USEPA and NDEP to be located in a floodplain, creating a potential contamination source for the Humboldt River. Accordingly, a new facility must be constructed at a different location. The sale parcel is described as:

Mount Diablo Meridian, Nevada

T. 36 N., R. 37 E.,
  Sec. 28;
  Sec. 32, NE¼, NW¼, SW¼, N½, SE¼, and W½, SW¼, SE¼.

The areas described aggregate 1,220 acres. 640 acres located in T. 36 N., R 37 E., sec. 28, will be patented in year one, with 580 acres of T. 36 N., R. 37 E., sec. 32, to be patented in subsequent years in compliance with R&PP regulations.

The new plan of development will consist of a new wastewater treatment and effluent disposal plant, and effluent disposal facilities that include an effluent pipeline, rapid infiltration basins; a storage basin, an influent pumping station; and irrigation pivots.

The land is not required for any Federal purpose. The conveyance is consistent with the BLM Winnemucca District Office Resource Management Plan and the Record of Decision, dated May 2015, and is in the public interest. This proposal was analyzed as Environmental Assessment DOI–BLM–NV–W010–2014–0031.

The conveyance will be subject to the provisions of the R&PP Act and applicable regulations and will be subject to the following terms, conditions, and reservations of the United States:

1. A right-of-way is reserved for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945);
2. All mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may deem necessary are reserved to the United States, together with all necessary access and exit rights;
3. The parcel is subject to valid existing rights;
4. An appropriate indemnification clause protecting the United States from claims arising out of the patentee's use, occupancy, or occupation on the leased/patented lands;
5. No portion of the land patented shall revert back to the United States under any circumstance.
6. Additional terms and conditions that the authorized officer deems appropriate. Upon publication of this Notice in the **Federal Register**, the parcel will be segregated from all other forms of appropriation under the public land laws, including the mining laws, except for conveyance under the R&PP Act, but not leasing under the mineral leasing laws and the mineral material disposal laws.

Written comments may be submitted concerning the suitability of the land for development for a new wastewater treatment and effluent disposal facility. Comments on the classification are restricted to whether the land is physically suitable for the proposed use, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or whether the use is consistent with state and Federal programs. Written comments can be submitted by postal service or overnight mail to the Field Manager, BLM Humboldt River Field Office. The land will not be offered for conveyance until after the classification becomes effective.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Any comments regarding this sale will be reviewed by the BLM Nevada State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of Interior.

Authority: 43 CFR 2741.5

David Kampwerth,

Field Manager, Humboldt River Field Office.

[FR Doc. 2016–08254 Filed 4–8–16; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–IMR–GLAC- 19715; PPIMGLAC4G PPMPSAS1Z.YP0000]

Fisheries Management, Aquatics Restoration, and Climate Change Response Plan, Environmental Impact Statement, Glacier National Park, Montana

AGENCY: National Park Service, Interior.

ACTION: Notice of Intent.

SUMMARY: The National Park Service (NPS) is preparing an Environmental Impact Statement (EIS) for the Fisheries

Management, Aquatics Restoration, and Climate Change Response Plan for Glacier National Park, Montana.

DATES: The NPS will accept comments from the public through May 11, 2016.

ADDRESSES: Information will be available for public review and comment online at *http://parkplanning.nps.gov/glac,* and in the office of the Superintendent, Jeff Mow, Glacier National Park, 1 Going-to-the-Sun Road, West Glacier, Montana 59936.

FOR FURTHER INFORMATION CONTACT: Mary Riddle, Chief of Planning and Compliance, Glacier National Park, P.O. Box 128, West Glacier, Montana 59936; (406) 888–7898.

SUPPLEMENTARY INFORMATION: This planning effort will result in an integrated and adaptive plan that addresses long-term goals for managing, restoring, and protecting the park's native fish and aquatic resources. The EIS will address issues related to the conservation and restoration of native aquatic systems across the park, including ongoing losses of native fish populations (*e.g.,* federally listed threatened bull trout and state listed westslope cutthroat trout) due to invasive non-native fish species; threats to native fish from climate change; opportunities to improve native aquatic ecosystem resilience and provide refugia for native fish from the effects of climate change; and impacts from fisheries management actions to wilderness character in the park's backcountry.

The NPS proposed action includes the following elements: (1) The translocation of native fish to appropriate habitat; (2) the construction of additional fish passage barriers to prevent non-native fish from moving into native fish habitat; and (3) the removal of invasive non-native fish using mechanical (such as netting, trapping, angling, electrofishing) and chemical (poisonous substance used to kill fish; piscicide) methods, where appropriate. Following removal of non-native fish, some waters may be repopulated with species native to the park while others would be left to recover to their historically fishless state. The proposed action will also evaluate the establishment of a fishing permit fee to help fund needed fishery restoration and conservation actions.

The proposed action is the initial NPS proposal to address the purpose and need for taking action. It represents one alternative that will be considered during the EIS process. In addition to the proposed action, the NPS will consider a no-action alternative, an alternative that would include the same elements as the proposed action but use mechanical methods only to remove non-native fish, and an alternative that uses chemical methods only to remove non-native fish. The NPS will also consider other alternatives that are suggested during the scoping period, as appropriate. The NPS will not select an alternative for implementation until after a final EIS is completed.

A scoping brochure will be available that describes the purpose and need for the plan, and the issues and alternatives identified to date. Copies may be obtained from Mary Riddle, Chief of Planning and Compliance, Glacier National Park, P.O. Box 128, West Glacier, Montana 59936; (406) 888–7898. If you wish to comment on the scoping brochure or on any other issues associated with the EIS, you may submit your comments by any one of several methods. You may mail comments to Glacier National Park, Attn: Fisheries Management Plan, P.O. Box 128, West Glacier, Montana 59936; you may comment via the Internet at *http://parkplanning.nps.gov/glac* you may hand-deliver comments to Glacier National Park Headquarters, West Glacier, Montana; and you may submit comments during public meetings that will be held during the comment period. Information on meeting dates, times, and locations will be included in the public scoping brochure and will also be available at: *http://parkplanning.nps.gov/GLAC* (click on the project link and then the "meeting notices" tab).

Comments will not be accepted by fax, email, or in any other way than those specified above. Bulk comments in any format and hard copy and electronic comments that are submitted on behalf of others will not be accepted. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: January 1, 2016.

Sue E. Masica,

Regional Director, Intermountain Region, National Park Service.

Editorial Note: This document was received for publication by the Office of the Federal Register on April 6, 2016.

[FR Doc. 2016–08252 Filed 4–8–16; 8:45 am]

BILLING CODE 4312–CB–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Notice of Intent to Accept Proposals, Select Lessee(s), and Contract for Pumped-Storage Hydroelectric Power Development on Anderson Ranch Reservoir, Boise Project, Idaho

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: Current Federal policy allows non-Federal development of electrical power resource potential on Federal water resource projects. The Bureau of Reclamation (Reclamation) will consider proposals for non-Federal development of a pumped-storage hydroelectric power utilizing Anderson Ranch Reservoir as the lower impoundment for a pumped-storage project. Reclamation is considering such hydroelectric power development under its lease of power privilege (LOPP) process and regulations.

The Federal Energy Regulatory Commission (FERC) also has jurisdiction in this case. FERC jurisdiction applies to all elements of a proposed pumped-storage hydroelectric power project at Anderson Ranch Reservoir that are outside of Reclamation facilities and lands. In this case, FERC jurisdiction will include the upper reservoir, a large part of the penstock connecting the upper reservoir with Anderson Ranch Reservoir, and other facilities (such as power transmission lines and access roads that are outside of Reclamation jurisdiction).

DATES: A written proposal and seven copies must be submitted on or before 4 p.m. (Mountain Standard Time) on September 8, 2016. A proposal will be considered timely only if it is received in the office of the Area Manager on or before 4 p.m. on the above-designated date. Interested entities are cautioned that delayed delivery to the Area Manager's office due to failures or misunderstandings of the entity and/or of mail, overnight, or courier services will not excuse lateness and, accordingly, are advised to provide sufficient time for delivery. Late proposals will not be considered.

ADDRESSES: Send written proposal and seven copies to Mr. Roland Springer, Area Manager, Bureau of Reclamation, Snake River Area Office, 230 Collins Road, Boise, ID 83702–4520; telephone (208) 383–2248.

FOR FURTHER INFORMATION CONTACT: Questions regarding proposal requirements or technical data available for Anderson Ranch Reservoir may be directed to Mr. Robert Ross, Bureau of Reclamation, Pacific Northwest Regional Office, 1150 North Curtis Road, Suite 100, Boise, ID 83706–1234; telephone (208) 378–5332. Upon receipt of your questions, Mr. Ross will arrange an informational meeting and/or site visit with interested entities. Reclamation reserves the right to schedule a single meeting and/or visit to address the questions or requested site visits submitted by all entities.

Specific information related to operation and maintenance of the Anderson Ranch Dam and Reservoir may be obtained from Ms. Victoria Hoffman, Supervisory General Engineer, Bureau of Reclamation, Snake River Area Office, 230 Collins Rd., Boise, ID 83702–4520; telephone (208) 382–2266.

SUPPLEMENTARY INFORMATION:

General Overview: Anderson Ranch Dam and Powerplant is a multiple purpose structure that provides benefits of irrigation, power, and flood and silt control. The dam is 456 feet high and is on the South Fork of the Boise River, 28 miles northeast of Mountain Home. It has a total storage capacity of 474,900 acre-feet (active capacity 413,100 acre-feet) and was the world's highest earth and rock fill dam at the time of its completion in 1950. The powerplant had a rated capacity of 27,000 kilowatts with two units installed. These units were up-rated in 1986, increasing the capacity to 20,000 kilowatts each for a total of 40,000 kilowatts.

Reclamation is considering pumped-storage hydroelectric power development on the Anderson Ranch Reservoir under a LOPP. A LOPP is an alternative to Federal hydroelectric power development. It is an authorization issued to a non-Federal entity to use a Reclamation facility for electric power generation consistent with Reclamation project purposes. Leases of power privilege have terms not to exceed 40 years. The general authority for LOPP under Reclamation law includes, among others, the Town Sites and Power Development Act of 1906 (43 U.S.C. 522) and the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)) (1939 Act).

Reclamation and FERC will be responsible for compliance with the National Environmental Policy Act (NEPA) related to any project selected for consideration pursuant to this notice. Reclamation and FERC will also lead necessary consultation with involved American Indian tribal governments and compliance with the National Historic Preservation Act, Endangered Species Act, and other related environmental regulations for all elements of a proposed project. LOPPs may be issued only when Reclamation has determined that NEPA and any other regulatory compliance requirements are completed. All Reclamation costs associated with project planning and regulatory compliance requirements will be borne by the selected applicant(s).

No Federal funds will be available for non-Federal hydroelectric power development. Reclamation's Boise Project is a Federal Reclamation project. This notice presents background information, Reclamation's LOPP proposal content guidelines, and information concerning selection of a non-Federal entity to develop hydroelectric power using Anderson Ranch Reservoir. Interested parties will also need to file an appropriate application with FERC in order to encompass all elements of a pumped-storage hydroelectric power development at this reservoir.

Fundamental Considerations and Requirements:

1. As indicated above, Reclamation can only issue a LOPP for Anderson Ranch Reservoir as the lower reservoir in a pumped-storage system. Parallel approvals from FERC will be necessary for project elements above the Reclamation-controlled lands and waters of the Anderson Ranch facilities. These elements will include part of the penstock, the upper reservoir, and potential appurtenant facilities such as transmission lines, access roads, etc. Reclamation and FERC will determine the appropriate relationship between the two agencies in coordinating the study and decision-making process.

2. Any LOPP on Anderson Ranch Reservoir must not interfere with existing contractual commitments related to operation and maintenance of the Anderson Ranch Dam and other Boise Project facilities. The lessee (*i.e.*, successful proposing entity) will be required to enter into a contract with the Bureau of Reclamation. This contract will (1) address requirements related to coordination of operation and maintenance with Boise Project stakeholders (such as the Boise Project Board of Control and others), and (2) stipulate that the LOPP lessee will be responsible for any increase in operation or maintenance costs that are attributable to the pumped-storage hydroelectric power project.

3. No LOPP project facilities or features will be permitted within the Reclamation zone surrounding Anderson Ranch Dam, including inlet/outlet works, hydropower facilities, and appurtenant facilities. The one exception to this constraint may be power transmission lines.

4. The lessee would be responsible for securing transmission and marketing of the power generated by the proposed project.

5. Bonneville Power Administration (BPA) will have the first opportunity to purchase and/or market the power that is generated by the project under a LOPP. BPA will consult with Reclamation on such power purchasing and/or marketing considerations. In the event BPA elects to not purchase and/or market the power generated by the hydropower development or such a decision cannot be made prior to execution of the LOPP, the lessee will have the right to market the power generated by the project to others.

6. Potential LOPP lessees should be aware that Reclamation plans to carry out a parallel feasibility study focused on raising Anderson Ranch Dam by 6 feet as a means to increase storage capacity. If this project is found feasible and proceeds to implementation, the LOPP lessee would need to adapt the pumped-storage project as necessary to accommodate this change.

7. All costs incurred by the United States related to a proposed LOPP project will be at the expense of the lessee. Such costs include management and coordination of necessary Reclamation activities, provision of information, conduct of or assistance with regulatory compliance (including NEPA), consultation during design development and related to operation and maintenance under a LOPP, development of the LOPP, necessary contracts with outside consultants, or any other cost for which the government would be reimbursed by an applicant or the general public. In addition, the lessee will be required to make annual payments to the United States for the use of a government facility in the amount of 3 mills per kilowatt-hour of gross generation. Under the LOPP, provisions will be included for inflation of the annual payment with time. Such annual payments to the United States would be deposited as a credit to the Reclamation Fund.

Proposal Content Guidelines.

Interested parties should submit proposals specifically addressing the following qualifications, capabilities, and approach factors. Proposals submitted will be evaluated and ranked directly based on these factors. Additional information may be provided at the discretion of those submitting proposals. This additional/supplemental information will be reviewed and considered as appropriate in evaluating the overall content and quality of proposals.

1. *Qualifications of Proposing Entity:* Provide relevant information describing/documenting the qualifications of the proposing entity to plan, design, and implement such a project, including, but not limited to:

- Type of organization;
- Length of time in business;
- Experience in funding, design and construction of similar projects;
- Industry rating(s) that indicate financial soundness and/or technical and managerial capability;
- Experience of key management personnel;
- History of any reorganizations or mergers with other companies;
- Preference status (as applied to a LOPP, the term "preference entity" means an entity qualifying for preference under Section 9 (c) of the Reclamation Project Act of 1939 as a municipality, public corporation or agency, or cooperative or other nonprofit organization financed in whole or in part by loans made pursuant to the Rural Electrification Act of 1936, as amended); and
- Any other information not already requested above or in the following evaluation categories that demonstrates the interested entity's organizational, technical, and financial ability to perform all aspects of the work.

2. *Proposed Project Plan:* Describe and provide mapping and drawings of proposed facilities and equipment comprising the project. Include descriptions and locations of structures, pump/turbines, penstocks, upper reservoir, transmission lines, access roads, and other appurtenant facilities.

Describe proposed capacities and general operation of the pumped-storage hydroelectric power project. Include: proposed pump/turbine capacity in pump and generate modes, power source and power consumption; upper reservoir site requirements, configuration, and water storage capacity; turbine generating capacity, transmission line size and route; and other relevant aspects of the project.

Also describe diurnal, seasonal and/or annual patterns (as relevant) of energy generation and consumption. Include descriptions and estimates of any influence on power generation capacity and/or consumption attributable to type of water year (*i.e.,* each month of average, dry, or wet water years, as relevant). If capacity and energy can be delivered to another location, either by the proposing entity or by potential wheeling agents, specify where capacity and energy can be delivered. Include concepts for power sales and contractual arrangements, involved parties, and the proposed approach to wheeling, as relevant.

3. *Proposed Approach to Acquisition of Necessary Property Rights:* Specify plans for acquiring title to or the right to occupy and use all lands necessary for the proposed development, including such additional lands as may be required during construction. Address lands necessary for transmission lines, access roads and all aspects of project development, operation, and maintenance.

4. *Proposed Plan for Acquisition/Perfection of Water Rights:* Necessary water rights or purchases must be arranged by the project proponent(s). Quantify water necessary for operation of the proposed development(s), including initial fill of the upper reservoir and replacement of water lost to evaporation or other aspects of annual system operation. Identify the source of water rights acquired or to be acquired to meet these water needs, including the current holder of such rights, and how these rights would be used, acquired, or perfected.

5. *Impact on Boise Project Water Rights and Operations:* Describe any potential changes in seasonal or annual fulfillment of existing water rights or storage contracts that may occur as a result of the proposed pumped-storage hydroelectric power project. Also provide full hydrologic analysis and related studies exploring potential impact of the project on current operations and projected operations of Anderson Ranch Dam and Reservoir and/or the Boise Project as a whole. This analysis should include estimates of daily fluctuations in reservoir elevation attributable to proposed project operations, including schedule (nighttime filling, daytime generation) and other details pertinent to reservoir fluctuations.

6. *Long-Term Operation and Maintenance:* Provide a description (with relevant references) of the project proponent's experience in operation and maintenance of pumped-storage hydroelectric or similar facilities once they are operational and over the long-term (*i.e.,* the 40-year lease contemplated for the proposed project). Identify the organizational structure and plan for the long-term operation and maintenance of the proposed project. Define how the proposed project would operate in harmony with Anderson Ranch Reservoir and the Boise Project as a whole, specifically related to existing contracts for operation and maintenance of Boise Project features.

7. *Proposed Contractual Arrangements:* Describe anticipated contractual arrangements with project stakeholders at Anderson Ranch Reservoir or the broader Boise Project. These stakeholders are comprised primarily of water rights and/or storage rights holders, including, but not limited to, the Boise Project Board of Control which has operation and maintenance responsibility for portions of the Boise Project.

8. *Management Plan:* Provide a management plan to accomplish such activities as planning, NEPA compliance, LOPP development, design, construction, facility testing, project commissioning, and preparation of an Emergency Action Plan. Provide schedules of these activities as applicable. Describe what studies are necessary to accomplish the pumped-storage hydroelectric power development and how the studies would be implemented.

9. *Environmental Impact:* Discuss potentially significant adverse impacts from the proposed project on biophysical or sociocultural resource parameters at Anderson Ranch Reservoir and/or the Boise Project as a whole. Of particular concern are potential impacts on protected aquatic or terrestrial wildlife species or associated protected habitat. Examples at Anderson Ranch Reservoir include bull trout and yellow billed cuckoo. Other concerns may include, but not be limited to, impact on: Land use adjacent to proposed facilities, recreation at Anderson Ranch Reservoir or in surrounding upland areas, cultural resources, and Indian Trust assets.

Discuss potential adverse impacts based on available information. Provide information on the types and severity of expected impacts and proposed methods of resolving or mitigating these impacts. Describe also any potentially beneficial environmental effects that may be expected from the proposed project, including such perspectives as energy conservation or using available water resources in the public interest. As necessary, describe studies required to adequately define the extent, potential severity, and potential approaches to mitigation of impacts that may be associated with the proposed development.

10. *Other Study and/or Permit Requirements:* Describe planned response to other applicable regulatory requirements, including the National Historic Preservation Act, Clean Water Act, Endangered Species Act, and state and local laws and licensing requirements. Also describe any known potential for impact on lands or resources of American Indian tribes, including trust resources.

11. *Project Development Costs and Economic Analysis:* Estimate the costs of development, including the cost of studies to determine feasibility, environmental compliance, project design, construction, financing, and the amortized annual cost of the investment. Estimate annual operation, maintenance, and replacement expenses, annual payments to the United States that are potentially associated with the Boise Project. Estimate costs associated with any anticipated additional transmission or wheeling services. Identify proposed methods of financing the project. Estimate the anticipated return on investment and present an economic analysis that compares the present worth of all benefits and the costs of the project.

12. *Performance Guarantee and Assumption of Liability:* Describe plans for (1) providing the government with performance bonds or other guarantee covering completion of the proposed project; (2) assuming liability for damage to the operational and structural integrity of the Anderson Ranch Dam and Reservoir facilities or other aspects of the Boise Project caused by construction, commissioning, operation, and/or maintenance of the pumped-storage hydropower power development; and (3) obtaining general liability insurance.

13. *Other Information:* (This final paragraph is provided for the applicant to include additional information considered relevant to Reclamation's selection process in this matter.)

Selection of Lessee

Reclamation will evaluate proposals received in response to this published notice. Proposals will be ranked according to response to the factors described in Fundamental Considerations and Requirements and Proposal Content Guidelines sections provided in this notice. In general, Reclamation will give more favorable consideration to proposals that (1) are well adapted to developing, conserving, and utilizing the water resource and protecting natural resources; (2) clearly demonstrate that the offeror is qualified to develop the hydropower facility and provide for long-term operation and maintenance; and (3) best share the economic benefits of the pumped-storage hydroelectric power development among parties to the LOPP. A proposal will be deemed unacceptable if it is inconsistent with Boise Project purposes, as determined by Reclamation.

Reclamation will give preference to those entities that qualify as preference entities (as defined under Proposal Content Guidelines, item (1.), of this notice) provided that the preference entity is well qualified and their proposal is at least as well adapted to developing, conserving, and utilizing the water and natural resources as other submitted proposals. Preference entities will be allowed 90 days to improve their proposals, if necessary, to be made at least equal to a proposal(s) that may have been submitted by a non-preference entity.

Notice and Time Period To Enter Into LOPP

Reclamation will notify, in writing, all entities submitting proposals of Reclamation's decision regarding selection of the potential lessee. The selected potential lessee will have three years from the date of such notification to accomplish NEPA compliance and enter into a LOPP for the proposed development of pumped-storage hydroelectric power at Anderson Ranch Reservoir. The lessee will then have up to three years from the date of execution of the lease to complete the designs and specifications and an additional two years to secure financing and to begin construction. Such timeframes may be adjusted for just cause resulting from actions and/or circumstances that are beyond the control of the lessee.

Dated: January 25, 2016.

Lorri J. Lee,

Regional Director, Pacific Northwest Region.

[FR Doc. 2016–08237 Filed 4–8–16; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–770–773 and 775 (Third Review)]

Stainless Steel Wire Rod From Italy, Japan, Korea, Spain, and Taiwan; Revised Schedule for the Subject Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: *Effective Date:* April 4, 2016.

FOR FURTHER INFORMATION CONTACT: Fred Ruggles (202–205–3187), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: Effective January 6, 2016, the Commission established a schedule for the conduct of the final phase of the subject reviews (81 FR 1642, January 13, 2016). The Commission is revising its schedule by changing the time of the hearing.

The Commission's new schedule for the hearing in these reviews is as follows: The hearing will be held at the U.S. International Trade Commission Building at 10:00 a.m. on May 18, 2016. All other aspects of the schedule remain unchanged.

For further information concerning these reviews see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

Issued: April 6, 2016.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2016–08216 Filed 4–8–16; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Iron Mountain Inc. and Recall Holdings Ltd.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that a proposed Final Judgment, Stipulation, and Competitive Impact Statement have been filed with the United States District Court for the District of Columbia in *United States of America* v. *Iron Mountain Inc. and Recall Holdings Ltd.,* Civil Action No. 1:16–cv–00595. On March 31, 2016, the United States filed a Complaint alleging that Iron Mountain's proposed acquisition of Recall would violate Section 7 of the Clayton Act, 15 U.S.C. 18. The proposed

Final Judgment, filed at the same time as the Complaint, requires Iron Mountain to divest Recall records management assets in fifteen metropolitan areas.

Copies of the Complaint, proposed Final Judgment, and Competitive Impact Statement are available for inspection on the Antitrust Division's Web site at *http://www.justice.gov/atr* and at the Office of the Clerk of the United States District Court for the District of Columbia. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Public comment is invited within 60 days of the date of this notice. Such comments, including the name of the submitter, and responses thereto, will be posted on the Antitrust Division's Web site, filed with the Court, and, under certain circumstances, published in the **Federal Register**. Comments should be directed to Maribeth Petrizzi, Chief, Litigation II Section, Antitrust Division, U.S. Department of Justice, 450 5th Street NW., Suite 8700, Washington, DC 20530 (telephone: (202) 307–0924).

Patricia A. Brink,

Director of Civil Enforcement.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,
U.S. Department of Justice
Antitrust Division
450 Fifth Street, NW, Suite 7100
Washington, DC 20530
Plaintiff,
v.
IRON MOUNTAIN INC.,
One Federal Street
Boston, MA 02110

and

RECALL HOLDINGS LTD.
697 Gardeners Road
Alexandria, Sydney
Australia
Defendants.

CASE NO.: 1:16–cv–00595
JUDGE: Amit P. Mehta
FILED: 03/31/2016

COMPLAINT

The United States of America, acting under the direction of the Attorney General of the United States, brings this civil action to enjoin the proposed acquisition by Defendant Iron Mountain Incorporated ("Iron Mountain") of Defendant Recall Holdings Limited ("Recall"). The United States alleges as follows:

I. NATURE OF THE ACTION

1. Iron Mountain and Recall are the two largest providers of hard-copy records management services ("RMS") in the United States and compete directly to serve RMS customers in numerous geographic areas. RMS are utilized by a wide array of businesses that for legal, business, or other reasons have a need to store and manage substantial volumes of hard copy records for significant periods of time.

2. In 15 metropolitan areas located throughout the United States, Iron Mountain and Recall are either the only significant providers of RMS, or two of only a few significant providers. In these 15 metropolitan areas—Detroit, Michigan; Kansas City, Missouri; Charlotte, North Carolina; Durham, North Carolina; Raleigh, North Carolina; Buffalo, New York; Tulsa, Oklahoma; Pittsburgh, Pennsylvania; Greenville/Spartanburg, South Carolina; Nashville, Tennessee; San Antonio, Texas; Richmond, Virginia; San Diego, California; Atlanta, Georgia; and Seattle, Washington—Iron Mountain and Recall have competed aggressively against one another for customers, resulting in lower prices for RMS and higher quality service. Iron Mountain's acquisition of Recall would eliminate this vigorous competition and the benefits it has delivered to RMS customers in each of these metropolitan areas.

3. Accordingly, Iron Mountain's acquisition of Recall likely would substantially lessen competition in the provision of RMS in these 15 metropolitan areas in violation of Section 7 of the Clayton Act, 15 U.S.C. 18, and should be enjoined.

II. JURISDICTION, VENUE, AND INTERSTATE COMMERCE

4. The United States brings this action under Section 15 of the Clayton Act, 15 U.S.C. 25, as amended, to prevent and restrain the violation by Defendants of Section 7 of the Clayton Act, 15 U.S.C. 18.

5. This Court has subject matter jurisdiction over this action pursuant to Section 15 of the Clayton Act, 15 U.S.C. 25, and 28 U.S.C. 1331, 1337(a), and 1345. In their RMS businesses, Iron Mountain and Recall each make sales and purchases in interstate commerce, ship records in the flow of interstate commerce, and engage in activities substantially affecting interstate commerce.

6. Defendants Iron Mountain and Recall transact business in the District of Columbia and have consented to venue and personal jurisdiction in this District. This Court has personal jurisdiction over each Defendant and venue is proper in this District under Section 12 of the Clayton Act, 15 U.S.C. 22, and 28 U.S.C. 1391(c).

III. THE DEFENDANTS AND THE TRANSACTION

7. Iron Mountain is a Delaware corporation headquartered in Boston, Massachusetts. Iron Mountain is the largest RMS company in the United States, providing document storage and related services throughout the nation. For fiscal year 2014, Iron Mountain reported worldwide revenues of approximately $3.1 billion.

8. Recall is an Australian company headquartered in Norcross, Georgia. Recall is the second-largest RMS company in the United States and provides document storage and related services throughout the nation. Recall's worldwide revenues for 2014 were approximately $836.1 million.

9. On June 8, 2015, Iron Mountain and Recall entered into a Scheme Implementation Deed by which Iron Mountain proposes to acquire Recall for approximately $2.6 billion in cash and stock, subject to adjustments.

IV. TRADE AND COMMERCE

A. Relevant Service Market: Records Management Services

10. For a variety of legal and business reasons, companies must often retain hard-copy records for significant periods of time. Given the physical space required to store any substantial volume of records and the effort required to manage stored records, many customers contract with RMS vendors such as Iron Mountain and Recall to provide these services.

11. RMS vendors pick up records from customers and bring them to a secure off-site facility, where they then index the records to allow their customers to keep track of them. RMS vendors retrieve stored records for their customers upon request and often perform other services related to the storage, tracking, and shipping of records. For example, they sometimes destroy stored records on behalf of the customer once preservation no longer is required.

12. Customers that purchase RMS range from Fortune 500 companies to small firms that have a need to manage and store records. Customers include corporations with business records maintenance requirements, healthcare providers with patient records, and other companies that may wish to manage and store other types of records, such as case files, employee records, and other information.

13. RMS procurements are typically made by competitive bid. Contracts usually specify fees for each service provided (*e.g.,* pickup, monthly storage, retrieval, delivery, and transportation).

Most customers purchase RMS in only one city. Some customers with operations in multiple cities prefer to purchase RMS from a single vendor pursuant to a single contract; other multi-city customers disaggregate their contracts and purchase RMS from different vendors in different cities.

14. For companies with a significant volume of records, in-house storage is generally not a viable substitute for RMS. For a company to manage its records in-house, it must have a substantial amount of unused space, racking equipment, security features, and one or more dedicated employees. Similarly, entirely replacing RMS with digital records management services is generally not feasible. To switch from physical to electronic records, a customer would need to fundamentally shift its method of creating, using, and storing records and adapt to an entirely paperless system. For many customers, the time, expense, and other burdens associated with doing so are prohibitive.

15. For these reasons, a hypothetical monopolist of RMS could profitably increase its prices by at least a small but significant non-transitory amount. Accordingly, RMS constitutes a relevant product market and line of commerce for purposes of analyzing the likely competitive effects of the proposed acquisition under Section 7 of the Clayton Act, 15 U.S.C. 18.

B. Relevant Geographic Markets

16. The geographic market for RMS consists of a metropolitan area or a radius around a metropolitan area. Customers generally require a potential RMS vendor to have a storage facility located within a certain proximity to the customer's location. Customers generally will not consider vendors located outside a particular radius, because the vendor will not be able to retrieve and deliver records on a timely basis. The radius a customer is willing to consider is usually measured in time, rather than miles, as the retrieval of records may be a time-sensitive matter. Transportation costs also likely render a distant RMS vendor uncompetitive with vendors located closer to the customer.

17. RMS vendors in the following 15 metropolitan areas—Detroit, Michigan; Kansas City, Missouri; Charlotte, North Carolina; Durham, North Carolina; Raleigh, North Carolina; Buffalo, New York; Tulsa, Oklahoma; Pittsburgh, Pennsylvania; Greenville/Spartanburg, South Carolina; Nashville, Tennessee; San Antonio, Texas; Richmond, Virginia; San Diego, California; Atlanta, Georgia; and Seattle, Washington—could profitably increase prices to local customers without losing significant sales to more distant competitors. As a result, a hypothetical monopolist of RMS in each of these 15 metropolitan areas could profitably increase its prices by at least a small but significant non-transitory amount. Accordingly, each of these areas is a relevant geographic market for the purposes of analyzing the competitive effects of the acquisition under Section 7 of the Clayton Act, 15 U.S.C. 18.

C. Anticompetitive Effects of the Proposed Acquisition

18. Iron Mountain and Recall are the two largest RMS providers in the United States and directly compete to provide RMS in each relevant geographic market. Each relevant geographic market for the provision of RMS is highly concentrated. In each of the relevant geographic markets, Iron Mountain is the largest RMS provider and Recall is either the second or third-largest competitor, while few, if any, other significant competitors exist. Iron Mountain and Recall compete very closely for accounts, target one another's customers, and, in most of the relevant geographic markets, view one another as the other's most formidable competitor. The resulting significant increase in concentration in each metropolitan area and loss of head-to-head competition between Iron Mountain and Recall likely will result in higher prices and lower quality service for RMS customers in each relevant geographic market.

D. Entry Into the Market for RMS

19. It is unlikely that entry or expansion into the provision of RMS in the relevant geographic markets alleged herein would be timely, likely, or sufficient to defeat the likely anticompetitive effects of the proposed acquisition.

20. Any new RMS entrant would be required to expend significant time and capital to successfully enter any of the relevant geographic markets. RMS entry into a new geographic market generally requires a secure facility, racking equipment, delivery trucks, tracking software, and employees. In addition, a new entrant would have to expend substantial effort to build a reputation for dependable service, which is important to RMS customers who demand quick and reliable pickup of and access to their stored records.

21. In order to recoup the costs of entry, an RMS vendor must fill a substantial amount of its facility's capacity. However, acquiring customers from existing RMS vendors in order to fill this capacity is often complicated by provisions in the customers' contracts requiring payment of permanent withdrawal fees if the customer permanently removes a box or record from storage. Customers will sometimes pay these withdrawal fees themselves, but more commonly, the new vendor will have to offer to pay the fees to induce the customer to switch. The vendor must then recoup the cost of the fees by imposing its own permanent withdrawal fees, amortizing the cost over a longer contract, or charging higher prices while still charging a competitive price for its services. Customer contracts also often impose a cap on the number of boxes per month that a customer may permanently remove from a RMS vendor's facility, such that a switch to a new RMS vendor may take several months to complete. Taken together, permanent withdrawal fees and other withdrawal restrictions make it difficult for a new RMS entrant to win customers away from existing RMS vendors.

22. Likewise the permanent withdrawal fees and other withdrawal restrictions also make it more difficult for an RMS vendor already in a market to win enough customers away from competitors to expand significantly.

V. VIOLATION ALLEGED

23. The United States hereby incorporates paragraphs 1 through 22 above.

24. The proposed acquisition of Recall by Iron Mountain likely would substantially lessen competition for RMS in the 15 relevant geographic markets identified above in violation of Section 7 of the Clayton Act, 15 U.S.C. 18. Unless enjoined, the proposed acquisition likely would have the following anticompetitive effects relating to RMS in the relevant geographic markets, among others:

(a) actual and potential competition between Iron Mountain and Recall for RMS in each relevant geographic market will be eliminated;

(b) competition generally for RMS in each relevant geographic market will be substantially lessened; and

(c) prices for RMS will likely increase and the quality of service will likely decrease in each relevant geographic market.

VI. REQUESTED RELIEF

25. The United States requests that this Court:

(a) adjudge and decree that Iron Mountain's acquisition of Recall would be unlawful and violate Section 7 of the Clayton Act, 15 U.S.C. 18;

(b) permanently enjoin and restrain Defendants and all persons acting on their behalf from consummating the proposed acquisition of Recall by Iron

Mountain, or from entering into or carrying out any other contract, agreement, plan or understanding, the effect of which would be to combine Iron Mountain with Recall;

(c) award the United States the cost for this action; and

(d) award the United States such other and further relief as the Court deems just and proper.

Dated: March 31, 2016

Respectfully submitted,

FOR PLAINTIFF UNITED STATES OF AMERICA:

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
IRON MOUNTAIN INC.,
and
RECALL HOLDINGS LTD.
Defendants.

CASE NO.: 1:16–cv–00595
JUDGE: Amit P. Mehta
FILED: 03/31/2016

COMPETITIVE IMPACT STATEMENT

Plaintiff United States of America ("United States"), pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act ("APPA" or "Tunney Act"), 15 U.S.C. 16(b)–(h), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I. NATURE AND PURPOSE OF THE PROCEEDING

On June 8, 2015, Iron Mountain Inc. ("Iron Mountain") reached an agreement to acquire all of the outstanding shares of Defendant Recall Holdings Ltd. ("Recall") in a transaction valued at approximately $2.6 billion. The United States filed a civil antitrust Complaint on March 31, 2016, seeking to enjoin the proposed acquisition. The Complaint alleges that the likely effect of the acquisition would be to lessen competition substantially for the provision of hard-copy records management services ("RMS") in violation of Section 7 of the Clayton Act, 15 U.S.C. 18, in the following fifteen metropolitan areas: Detroit, Michigan; Kansas City, Missouri; Charlotte, North Carolina; Durham, North Carolina; Raleigh, North Carolina; Buffalo, New York; Tulsa, Oklahoma; Pittsburgh, Pennsylvania; Greenville/Spartanburg, South Carolina; Nashville, Tennessee; San Antonio, Texas; Richmond, Virginia; San Diego, California; Atlanta, Georgia; and Seattle, Washington. This loss of competition likely would result in consumers paying higher prices for RMS and receiving inferior service in these areas.

At the same time the Complaint was filed, the United States also filed a Hold Separate Stipulation and Order ("Hold Separate") and proposed Final Judgment, which are designed to eliminate the anticompetitive effects of the acquisition. Under the proposed Final Judgment, which is explained more fully below, Defendants are required to divest specified RMS assets in each of the 15 metropolitan areas of concern. Under the terms of the Hold Separate, Defendants will take certain steps to ensure that the assets are operated as competitively independent, economically viable, and ongoing business concerns that will remain independent and uninfluenced by the consummation of the acquisition, and that competition is maintained during the pendency of the ordered divestitures.

The United States and Defendants have stipulated that the proposed Final Judgment may be entered after compliance with the APPA. Entry of the proposed Final Judgment would terminate this action, except that the Court would retain jurisdiction to construe, modify, or enforce the provisions of the proposed Final Judgment and to punish violations thereof.

II. DESCRIPTION OF THE EVENTS GIVING RISE TO THE ALLEGED VIOLATION

A. The Defendants and the Proposed Transaction

Iron Mountain is a Delaware corporation headquartered in Boston, Massachusetts. Iron Mountain is the largest RMS company in the United States, providing document storage and related services throughout the nation. For fiscal year 2014, Iron Mountain reported worldwide revenues of approximately $3.1 billion.

Recall is an Australian company headquartered in Norcross, Georgia. Recall is the second-largest RMS company in the United States and provides document storage and related services throughout the nation. Recall's worldwide revenues for 2014 were approximately $836.1 million.

On June 8, 2015, Iron Mountain and Recall entered into an agreement pursuant to which Iron Mountain proposes to acquire Recall for approximately $2.6 billion in cash and stock, subject to adjustments.

The proposed transaction, as initially agreed to by Defendants, would lessen competition substantially in the provision of RMS in the relevant markets. This acquisition is the subject of the Complaint and proposed Final Judgment filed by the United States on March 31, 2016.

B. The Competitive Effects of the Transaction

1. The Relevant Service Market

The Complaint alleges that RMS constitute a relevant product market and line of commerce within the meaning of Section 7 of the Clayton Act, 15 U.S.C. 18. For a variety of legal and business reasons, companies frequently must keep hard-copy records for significant periods of time. Given the physical space required to store any substantial volume of records and the effort required to manage stored records, many customers contract with RMS vendors such as Iron Mountain and Recall to provide these services.

RMS vendors typically pick up records from customers and bring them to a secure off-site facility, where they then index the records to allow their customers to keep track of them. RMS vendors retrieve stored records for their customers upon request and often perform other services related to the storage, tracking, and shipping of records. For example, they sometimes destroy stored records on behalf of the customer once preservation is no longer required.

Customers of RMS include Fortune 500 firms, as well as local businesses throughout the United States. Customers often procure RMS by competitive bid and contracts usually specify fees for each service provided (*e.g.*, pickup, monthly storage, retrieval, delivery, and transportation). Most customers purchase RMS in only one city. Some customers with operations in multiple cities prefer to purchase RMS from a single vendor pursuant to a single contract; other multi-city customers disaggregate their contracts and purchase RMS from different vendors in different cities.

The Complaint alleges for companies with a significant volument of records, in-house storage is generally not a viable substitute for RMS. For a company to manage its records in-house, it must have a substantial amount of unused space, racking equipment, security features, and one or more dedicated employees. Similarly, entirely replacing RMS with digital records management services is generally not feasible. To switch from physical to electronic records, a customer would need to fundamentally shift its method of creating, using and storing records and adopt an entirely paperless system.

For these reasons, the Complaint alleges that a hypothetical monopolist of RMS could profitably increase its prices by at least a small but significant non-transitory amount. In the event of a small but significant increase in price for RMS, customers would not switch to any other alternative. Thus, the Complaint alleges that the provision of RMS constitutes a relevant service market for purposes of analyzing the effects of the transaction.

2. Relevant Geographic Markets

The geographic market for RMS consists of a metropolitan area or a radius around a metropolitan area. Customers generally require a potential RMS vendor to have a storage facility located within a certain proximity to the customer's location. Customers generally will not consider vendors located outside a particular radius, because the vendor will not be able to retrieve and deliver records on a timely basis. The radius a customer is willing to consider is usually measured in time, rather than miles, as the retrieval of records may be a time-sensitive matter. Transportation costs also likely render a distant RMS vendor uncompetitive with vendors located closer to the customer.

In each of the metropolitan areas identified in the Complaint, a hypothetical monopolist RMS firm could profitably increase prices to local customers without losing significant sales to more distant competitors. Accordingly, each of these metropolitan areas is a relevant geographic market for the purposes of analyzing the competitive effects of the acquisition under Section 7 of the Clayton Act, 15 U.S.C. 18.

3. Anticompetitive Effects of the Proposed Acquisition

As alleged in the Complaint, Iron Mountain and Recall are the two largest RMS providers in the United States and the only significant RMS providers, or two of only a few significant RMS providers, in each of the relevant geographic markets. In each of the geographic markets, Iron Mountain is the largest RMS provider, Recall is the second- or third-largest RMS competitor, and the market is highly concentrated. In each of these markets, Iron Mountain and Recall directly compete with one another to provide RMS, resulting in lower prices and better quality service for RMS customers. According to the Complaint, the significant increase in concentration and loss of head-to-head competition that will result from the proposed acquisition will likely cause prices for RMS to increase and the quality of RMS services to decline in each relevant market.

4. Difficulty of Entry

According to the Complaint, it is unlikely that entry or expansion into the provision of RMS in the relevant geographic markets would be timely, likely, or sufficient to defeat the likely anticompetitive effects of the proposed acquisition.

Any new RMS entrant would be required to expend significant time and capital to successfully enter any of the relevant markets. Entry into a new geographic market requires a secure facility, racking equipment, delivery trucks, tracking software, and employees. In addition, a new entrant would have to expend substantial effort to build a reputation for dependable service, which is important to RMS customers who demand quick and reliable pickup of and access to their stored records. In order to recoup the costs of entry, an RMS vendor must fill a substantial amount of its facility's capacity. However, acquiring customers from existing RMS vendors in order to fill this capacity is often complicated by provisions in the customers' contracts requiring payment of permanent withdrawal fees if the customer permanently removes a box or record from storage. Customers will sometimes pay these withdrawal fees themselves, but more commonly, the new vendor will have to offer to pay the fees to induce the customer to switch. The vendor must then recoup the cost of the fees by amortizing the cost over a longer contract, or charging higher prices while still charging a competitive price for its services. Contracts often impose a cap on the number of boxes per month that a customer may permanently remove from a RMS vendor's facility, such that a switch to a new RMS vendor may take several months or more to complete. Taken together, permanent withdrawal fees and other withdrawal restrictions make it difficult for a new RMS entrant to win customers away from existing RMS vendors.

Such fees and withdrawal restrictions also make it more difficult for existing RMS vendors to expand significantly. For all of these reasons, the Complaint alleges that new entry or expansion by existing firms is unlikely to remedy the anticompetitive effects of the proposed acquisition.

III. EXPLANATION OF THE PROPOSED FINAL JUDGMENT

A. Divestitures

The divestitures required by the proposed Final Judgment will eliminate the anticompetitive effects of the acquisition by establishing independent and economically viable competitors in the provision of RMS in each of the relevant geographic markets.

The proposed Final Judgment requires Defendants to divest, as viable ongoing business concerns, Recall RMS assets in all fifteen geographic markets identified in the Complaint (collectively, the "Divestiture Assets"). The Divestiture Assets include specified Recall records management facilities in these areas along with all tangible and intangible assets used in the operation of the records management businesses associated with these facilities. In each of the geographic markets other than Atlanta, Defendants are divesting all of Recall's RMS assets. In Atlanta, Defendants are divesting most, but not all, of Recall's RMS facilities because the facilities to be divested are sufficient to serve all of Recall's local customers in Atlanta and to compete for new business in the area.

Section IV.A of the proposed Final Judgment requires Defendants, within 10 calendar days after consummation of the transaction sought to be enjoined by the Complaint, to divest RMS assets in thirteen of the fifteen geographic markets to Access CIG, LLC ("Access"). Access is an established player in the RMS industry and is currently the third-largest RMS provider in the United States. In addition to preserving competition in each of the thirteen geographic markets, the divestitures, when combined with Access's existing operations, will enable Access to offer RMS in all of the metropolitan areas that Recall currently offers RMS. Access will be acquiring the Divestiture Assets in Detroit, Kansas City, Charlotte, Durham, Raleigh, Buffalo, Tulsa, Pittsburgh, Greenville/Spartanburg, Nashville, San Antonio, Richmond, and San Diego. If, for some reason, Defendants are unable to complete the divestitures to Access, they must sell the Divestiture Assets to an alternative purchaser approved by the United States.

Section IV.B of the proposed Final Judgment requires Defendants, within ninety days after consummation of the transaction sought to be enjoined by the Complaint, or five days after notice of the entry of the Final Judgment by the Court, whichever is later, to divest specified RMS assets as viable ongoing businesses in the remaining two geographic markets. In these two geographic areas—Atlanta and Seattle—Access is already a significant RMS provider, and thus a divestiture to Access would not restore the competition lost through the proposed acquisition.

Pursuant to Section IV.L, Defendants must divest the Divestiture Assets in such a way as to satisfy the United States in its sole discretion that the assets can and will be operated by the purchasers as viable, ongoing records management businesses that can compete effectively in the relevant markets. Defendants must take all reasonable steps necessary to accomplish the divestitures required by Sections IV.A and IV.B quickly and shall cooperate with prospective purchasers.

In the event that the Defendants do not accomplish all of the divestitures within the periods prescribed in the proposed Final Judgment, Section V provides that the Court will appoint a trustee selected by the United States to effect the divestiture of any remaining Divestiture Assets. If a trustee is appointed, Section V provides that Defendants will pay all costs and expenses of the trustee. The trustee's commission will be structured so as to provide an incentive for the trustee based on the price obtained and the speed with which the divestitures are accomplished. After his or her appointment becomes effective, the trustee will file monthly reports with the Court and the United States setting forth his or her efforts to accomplish the divestiture. At the end of six months, if the divestitures have not been accomplished, the trustee and the United States will make recommendations to the Court, which shall enter such orders as appropriate, in order to carry out the purpose of the trust, including extending the trust or the term of the trustee's appointment.

C. Other Divestiture-Related Provisions

Section IV.I of the proposed Final Judgment gives the purchasers of the Divested Assets the right to require the Defendants to provide certain transition services pursuant to a transition services agreement. This provision is designed to ensure the smooth operation of the divested assets during the first six months after the sale of the Divestiture Assets.

Section IV.J of the proposed Final Judgment is designed to help ensure that the purchasers of the Divestiture Assets can compete to provide RMS to customers that are served by both divested records management facilities and records management facilities that are being retained by Defendants. These customers are defined as Split Multi-City Customers in Section II.L. Section IV.J of the proposed Final Judgment requires Defendants to allow any Split Multi-City Customer to terminate or otherwise modify its contract with Defendants so as to enable the customer to transfer records to the purchaser(s) of the Divestiture Assets without paying permanent withdrawal fees, retrieval fees, or other fees associated with transferring such customer's records from a Recall records management facility that would otherwise be required under the customer's contract with Defendants. If a Split Multi-City Customer chooses to exercise this provision, it will only be required to pay Defendants the costs associated with transporting the records from Defendants' RMS facilities to the new facility, and the costs associated with reshelving the records at the new facility, if such customer requests such services from the Defendants. All Split Multi-City Customers will be informed of their rights under Section IV.J by letter as specified in Section IV.K of the proposed Final Judgment.

D. Notification of Future Acquisitions

Section XI of the proposed Final Judgment requires Defendants to provide advance notification of certain future proposed acquisitions not otherwise subject to the Hart-Scott-Rodino Antitrust Improvements Act of 1976, 15 U.S.C. 18a. Specifically, Defendants must provide at least thirty days advance written notice to the United States before Defendants acquire, directly or indirectly, any interest in any RMS business located within fifty miles of any Iron Mountain RMS facility located in the geographic areas listed in Appendix C of the proposed Final Judgment where the business to be acquired generated at least $1 million in revenues from RMS in the most recent completed calendar year. Section XI then provides for waiting periods and opportunities for the United States to obtain additional information similar to the provisions of the HSR Act before acquisitions in these geographic areas can be consummated.

The geographic areas listed in Appendix C include the fifteen geographic markets subject to divestitures as well as certain other metropolitan areas where Iron Mountain and Recall both provided RMS prior to the proposed acquisition. Although the United States did not believe that divestitures in these geographic areas were necessary, given the consolidation trends in the RMS industry, the United States sought to ensure that the Division had the opportunity to review future acquisitions in these areas so that it can seek effective relief, if necessary. The additional metropolitan areas covered by Section XI are: Phoenix, Arizona; Denver, Colorado; Jacksonville, Florida; Miami, Florida; Orlando, Florida; Minneapolis, Minnesota; St. Louis, Missouri; Las Vegas, Nevada; Cleveland, Ohio; Portland, Oregon; Dallas, Texas; and Houston, Texas.

IV. REMEDIES AVAILABLE TO POTENTIAL PRIVATE LITIGANTS

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any private antitrust damage action. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the proposed Final Judgment has no prima facie effect in any subsequent private lawsuit that may be brought against Defendants.

V. PROCEDURES AVAILABLE FOR MODIFICATION OF THE PROPOSED FINAL JUDGMENT

The United States and Defendants have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the APPA, provided that the United

States has not withdrawn its consent. The APPA conditions entry upon the Court's determination that the proposed Final Judgment is in the public interest.

The APPA provides a period of at least sixty days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wishes to comment should do so within sixty days of the date of publication of this Competitive Impact Statement in the **Federal Register**, or the last date of publication in a newspaper of the summary of this Competitive Impact Statement, whichever is later. All comments received during this period will be considered by the United States Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to the Court's entry of judgment. The comments and the response of the United States will be filed with the Court. In addition, comments will be posted on the U.S. Department of Justice, Antitrust Division's internet Web site and, under certain circumstances, published in the **Federal Register**.

Written comments should be submitted to:

Maribeth Petrizzi, Chief
Litigation II Section
Antitrust Division
United States Department of Justice
450 Fifth Street, NW., Suite 8700
Washington, DC 20530

The proposed Final Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for the modification, interpretation, or enforcement of the Final Judgment.

VI. ALTERNATIVES TO THE PROPOSED FINAL JUDGMENT

The United States considered, as an alternative to the proposed Final Judgment, a full trial on the merits against Defendants. The United States could have continued the litigation and sought preliminary and permanent injunctions against the proposed acquisition. The United States is satisfied, however, that the divestiture of assets described in the proposed Final Judgment will preserve competition for the provision of RMS in the relevant markets identified by the United States. Thus, the proposed Final Judgment would achieve all or substantially all of the relief the United States would have obtained through litigation, but avoids the time, expense, and uncertainty of a full trial on the merits of the Complaint.

VII. STANDARD OF REVIEW UNDER THE APPA FOR THE PROPOSED FINAL JUDGMENT

The Clayton Act, as amended by the APPA, requires that proposed consent judgments in antitrust cases brought by the United States be subject to a sixty-day comment period, after which the Court shall determine whether entry of the proposed Final Judgment "is in the public interest." 15 U.S.C. 16(e)(1). In making that determination, the Court, in accordance with the statute as amended in 2004, is required to consider:

> (A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and
>
> (B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. 16(e)(1)(A) & (B). In considering these statutory factors, the Court's inquiry is necessarily a limited one as the government is entitled to "broad discretion to settle with the defendant within the reaches of the public interest." *United States* v. *Microsoft Corp.*, 56 F.3d 1448, 1461 (D.C. Cir. 1995); *see generally United States* v. *SBC Commc'ns, Inc.*, 489 F. Supp. 2d 1 (D.D.C. 2007) (assessing public interest standard under the Tunney Act); *United States v, U.S. Airways Group, Inc.*, 38 F. Supp. 3d 69, 75 (D.D.C. 2014) (explaining that the "court's inquiry is limited" in Tunney Act settlements); *United States* v. *InBev N.V./S.A.*, No. 08–1965 (JR), 2009–2 Trade Cas. (CCH) ¶ 76,736, 2009 U.S. Dist. LEXIS 84787, at *3, (D.D.C. Aug. 11, 2009) (noting that the court's review of a consent judgment is limited and only inquires "into whether the government's determination that the proposed remedies will cure the antitrust violations alleged in the complaint was reasonable, and whether the mechanism to enforce the final judgment are clear and manageable.").[1]

As the United States Court of Appeals for the District of Columbia Circuit has held, under the APPA a court considers, among other things, the relationship between the remedy secured and the specific allegations set forth in the government's complaint, whether the decree is sufficiently clear, whether enforcement mechanisms are sufficient, and whether the decree may positively harm third parties. *See Microsoft*, 56 F.3d at 1458–62. With respect to the adequacy of the relief secured by the decree, a court may not "engage in an unrestricted evaluation of what relief would best serve the public." *United States* v. *BNS, Inc.*, 858 F.2d 456, 462 (9th Cir. 1988) (quoting *United States* v. *Bechtel Corp.*, 648 F.2d 660, 666 (9th Cir. 1981)); *see also Microsoft*, 56 F.3d at 1460–62; *United States* v. *Alcoa, Inc.*, 152 F. Supp. 2d 37, 40 (D.D.C. 2001); *InBev*, 2009 U.S. Dist. LEXIS 84787, at *3. Courts have held that:

> [t]he balancing of competing social and political interests affected by a proposed antitrust consent decree must be left, in the first instance, to the discretion of the Attorney General. The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is the one that will best serve society, but whether the settlement is "*within the reaches of the public interest.*" More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent decree.

Bechtel, 648 F.2d at 666 (emphasis added) (citations omitted).[2] In determining whether a proposed settlement is in the public interest, a district court "must accord deference to the government's predictions about the efficacy of its remedies, and may not require that the remedies perfectly match the alleged violations." *SBC Commc'ns,* 489 F. Supp. 2d at 17; *see also U.S. Airways,* 38 F. Supp. 3d at 75 (noting that a court should not reject the proposed remedies because it believes others are preferable); *Microsoft,* 56 F.3d at 1461 (noting the need for courts to be "deferential to the government's predictions as to the effect of the proposed remedies"); *United States* v. *Archer-Daniels-Midland Co.,* 272 F. Supp. 2d 1, 6 (D.D.C. 2003) (noting that the court should grant due respect to the United States' prediction as to the effect of proposed remedies, its perception of the market structure, and its views of the nature of the case).

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[1] The 2004 amendments substituted "shall" for "may" in directing relevant factors for courts to consider and amended the list of factors to focus on competitive considerations and to address potentially ambiguous judgment terms. *Compare* 15 U.S.C. 16(e) (2004), *with* 15 U.S.C. 16(e)(1) (2006); *see also SBC Commc'ns*, 489 F. Supp. 2d at 11 (concluding that the 2004 amendments "effected minimal changes" to Tunney Act review).

[2] *Cf. BNS*, 858 F.2d at 464 (holding that the court's "ultimate authority under the [APPA] is limited to approving or disapproving the consent decree"); *United States* v. *Gillette Co.*, 406 F. Supp. 713, 716 (D. Mass. 1975) (noting that, in this way, the court is constrained to "look at the overall picture not hypercritically, nor with a microscope, but with an artist's reducing glass"). *See generally Microsoft*, 56 F.3d at 1461 (discussing whether "the remedies [obtained in the decree are] so inconsonant with the allegations charged as to fall outside of the 'reaches of the public interest'").

Courts have greater flexibility in approving proposed consent decrees than in crafting their own decrees following a finding of liability in a litigated matter. "[A] proposed decree must be approved even if it falls short of the remedy the court would impose on its own, as long as it falls within the range of acceptability or is 'within the reaches of public interest.'" *United States* v. *Am. Tel. & Tel. Co.,* 552 F. Supp. 131, 151 (D.D.C. 1982) (citations omitted) (quoting *United States* v. *Gillette Co.,* 406 F. Supp. 713, 716 (D. Mass. 1975)), *aff'd sub nom. Maryland* v. *United States,* 460 U.S. 1001 (1983); *see also U.S. Airways,* 38 F. Supp. 3d at 76 (noting that room must be made for the government to grant concessions in the negotiation process for settlements) (citing *Microsoft,* 56 F.3d at 1461); *United States* v. *Alcan Aluminum Ltd.,* 605 F. Supp. 619, 622 (W.D. Ky. 1985) (approving the consent decree even though the court would have imposed a greater remedy). To meet this standard, the United States "need only provide a factual basis for concluding that the settlements are reasonably adequate remedies for the alleged harms." *SBC Commc'ns,* 489 F. Supp. 2d at 17.

Moreover, the Court's role under the APPA is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its Complaint, and does not authorize the Court to "construct [its] own hypothetical case and then evaluate the decree against that case." *Microsoft,* 56 F.3d at 1459; *see also U.S. Airways,* 38 F. Supp. 3d at 75 (noting that the court must simply determine whether there is a factual foundation for the government's decisions such that its conclusions regarding the proposed settlements are reasonable); *InBev,* 2009 U.S. Dist. LEXIS 84787, at *20 ("the 'public interest' is not to be measured by comparing the violations alleged in the complaint against those the court believes could have, or even should have, been alleged"). Because the "court's authority to review the decree depends entirely on the government's exercising its prosecutorial discretion by bringing a case in the first place," it follows that "the court is only authorized to review the decree itself," and not to "effectively redraft the complaint" to inquire into other matters that the United States did not pursue. *Microsoft,* 56 F.3d at 1459–60. As this Court confirmed in *SBC Communications,* courts "cannot look beyond the complaint in making the public interest determination unless the complaint is drafted so narrowly as to make a mockery of judicial power." *SBC Commc'ns,* 489 F. Supp. 2d at 15.

In its 2004 amendments, Congress made clear its intent to preserve the practical benefits of utilizing consent decrees in antitrust enforcement, adding the unambiguous instruction that "[n]othing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene." 15 U.S.C. 16(e)(2); *see also U.S. Airways,* 38 F. Supp. 3d at 76 (indicating that a court is not required to hold an evidentiary hearing or to permit intervenors as part of its review under the Tunney Act). The language wrote into the statute what Congress intended when it enacted the Tunney Act in 1974, as Senator Tunney explained: "[t]he court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process." 119 Cong. Rec. 24,598 (1973) (statement of Sen. Tunney). Rather, the procedure for the public interest determination is left to the discretion of the Court, with the recognition that the Court's "scope of review remains sharply proscribed by precedent and the nature of Tunney Act proceedings." *SBC Commc'ns,* 489 F. Supp. 2d at 11.[3] A court can make its public interest determination based on the competitive impact statement and response to public comments alone. *U.S. Airways,* 38 F. Supp. 3d at 76.

VIII. DETERMINATIVE DOCUMENTS

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment.

Dated: March 31, 2016

Respectfully submitted,

____________/s/____________

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
IRON MOUNTAIN INC.,
and
RECALL HOLDINGS LTD.
Defendants.

CASE NO.: 1:16–cv–00595
JUDGE: Amit P. Mehta
FILED: 03/31/2016

FINAL JUDGMENT

WHEREAS, Plaintiff United States of America filed its Complaint on March 31, 2016, the United States and Defendants Iron Mountain Incorporated and Recall Holdings Limited, by their respective attorneys, have consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law, and without this Final Judgment constituting any evidence against or admission by any party regarding any issue of fact or law;

AND WHEREAS, Defendants agree to be bound by the provisions of this Final Judgment pending its approval by the Court;

AND WHEREAS, the essence of this Final Judgment is the prompt and certain divestiture of certain rights or assets by the Defendants to assure that competition is not substantially lessened;

AND WHEREAS, the United States requires Defendants to make certain divestitures for the purpose of remedying the loss of competition alleged in the Complaint;

AND WHEREAS, Defendants have represented to the United States that the divestitures required below can and will be made and that Defendants will later raise no claim of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained below;

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[3] *See United States* v. *Enova Corp.,* 107 F. Supp. 2d 10, 17 (D.D.C. 2000) (noting that the "Tunney Act expressly allows the court to make its public interest determination on the basis of the competitive impact statement and response to comments alone"); *United States* v. *Mid-Am. Dairymen, Inc.,* No. 73–CV–681–W–1, 1977–1 Trade Cas. (CCH) ¶ 61,508, at 71,980, *22 (W.D. Mo. 1977) ("Absent a showing of corrupt failure of the government to discharge its duty, the Court, in making its public interest finding, should . . . carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances."); S. Rep. No. 93–298, at 6 (1973) ("Where the public interest can be meaningfully evaluated simply on the basis of briefs and oral arguments, that is the approach that should be utilized.").

NOW THEREFORE, before any testimony is taken, without trial or adjudication of any issue of fact or law, and upon consent of the parties, it is ORDERED, ADJUDGED AND DECREED:

I. Jurisdiction

This Court has jurisdiction over the subject matter of and each of the parties to this action. The Complaint states a claim upon which relief may be granted against Defendants under Section 7 of the Clayton Act, as amended (15 U.S.C. 18).

II. Definitions

As used in this Final Judgment:

A. "Acquirer" or "Acquirers" means the entity or entities to whom Defendants divest the Divestiture Assets.

B. "Acquirer of the Appendix A Divestiture Assets" means Access or another entity to which Defendants divest the Appendix A Divestiture Assets.

C. "Acquirer(s) of the Appendix B Divestiture Assets" means the entity or entities to which Defendants divest the Appendix B Divestiture Assets.

D. "Iron Mountain" means Defendant Iron Mountain Incorporated, a Delaware corporation with its headquarters in Boston, Massachusetts, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

E. "Recall" means Defendant Recall Holdings Limited, an Australian public company limited by shares and registered in New South Wales under Australian law, with its headquarters in Norcross, Georgia, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

F. "Access" means Access CIG, LLC, a Delaware limited liability company headquartered in Livermore, California, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

G. "Appendix A Divestiture Assets" means:

1. The Records Management facilities listed in Appendix A; and

2. All tangible and intangible assets used in the operation of the Records Management businesses associated with the Records Management facilities listed in Appendix A, including, but not limited to:

a. All tangible assets, including fixed assets, vehicles, garages, capital equipment, personal property, inventory, office furniture, materials, supplies, and other tangible property, and all assets used in connection with the Records Management facilities listed in Appendix A; all licenses, permits and authorizations issued by any governmental organization relating to the Records Management facilities listed in Appendix A; all contracts, teaming arrangements, agreements, leases, commitments, certifications, and understandings relating to the Records Management facilities listed in Appendix A; all customer lists relating to the Records Management facilities listed in Appendix A; all customer contracts, accounts, and credit records relating to the Records Management facilities listed in Appendix A (other than for Split Multi-City Customers who choose to remain with Defendants); and all repair and performance records and all other records relating to the Records Management facilities listed in Appendix A; and

b. All intangible assets used in the development, production, servicing and sale of the Records Management services associated with the Records Management facilities listed in Appendix A, including all patents, licenses and sublicenses, intellectual property, copyrights, service marks, service names, technical information, computer software and related documentation, know-how, trade secrets, drawings, blueprints, designs, design protocols, specifications for materials, specifications for parts and devices, safety procedures for the handling of materials and substances, quality assurance and control procedures, and all manuals and technical information Defendants provide to their own employees, customers, suppliers, agents or licensees relating to the Records Management facilities listed in Appendix A.

H. "Appendix B Divestiture Assets" means:

1. The Records Management facilities listed in Appendix B; and

2. All tangible and intangible assets used in the operation of the Records Management businesses associated with the Records Management facilities listed in Appendix B, including, but not limited to:

a. All tangible assets, including fixed assets, vehicles, garages, capital equipment, personal property, inventory, office furniture, materials, supplies, and other tangible property, and all assets used in connection with the Records Management facilities listed in Appendix B; all licenses, permits and authorizations issued by any governmental organization relating to the Records Management facilities listed in Appendix B; all contracts, teaming arrangements, agreements, leases, commitments, certifications, and understandings relating to the Records Management facilities listed in Appendix B; all customer lists relating to the Records Management facilities listed in Appendix B; all customer contracts, accounts, and credit records relating to the Records Management facilities listed in Appendix B (other than for Split Multi-City Customers who choose to remain with Defendants); and all repair and performance records and all other records relating to the Records Management facilities listed in Appendix B; and

b. All intangible assets used in the development, production, servicing and sale of the Records Management services associated with the Records Management facilities listed in Appendix B, including all patents, licenses and sublicenses, intellectual property, copyrights, service marks, service names, technical information, computer software and related documentation, know-how, trade secrets, drawings, blueprints, designs, design protocols, specifications for materials, specifications for parts and devices, safety procedures for the handling of materials and substances, quality assurance and control procedures, and all manuals and technical information Defendants provide to their own employees, customers, suppliers, agents or licensees relating to the Records Management facilities listed in Appendix B.

I. "Divestiture Assets" means the Appendix A Divestiture Assets and Appendix B Divestiture Assets.

J. "Divestiture Records Management Facilities" means the Records Management facilities listed in Appendices A and B.

K. "Records Management" means the storage and management of physical records and the provision of services relating to physical records, such as transporting and indexing records.

L. "Split Multi-City Customer" means a Recall customer that, as of the date of divestiture of a Divestiture Records Management Facility, has records stored at both the Divestiture Records Management Facility and one or more other Recall Records Management facilities that are to be retained by Defendants. A Split Multi-City Customer does not include a Recall customer that has separate contracts for each Recall facility in which it stores records.

III. Applicability

A. This Final Judgment applies to Iron Mountain and Recall, as defined above, and all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

B. If, prior to complying with Sections IV and V of this Final Judgment, Defendants sell or otherwise dispose of all or substantially all of their assets or of lesser business units that include the Divestiture Assets, they shall require the purchaser to be bound by the provisions of this Final Judgment. Defendants need not obtain such an agreement from the Acquirers of the assets divested pursuant to this Final Judgment.

IV. Divestitures

A. Defendants are ordered and directed, within 10 calendar days after consummation of the transaction sought to be enjoined by the Complaint, to divest the Appendix A Divestiture Assets in a manner consistent with this Final Judgment to Access or another Acquirer of the Appendix A Divestiture Assets acceptable to the United States, in its sole discretion. The United States, in its sole discretion, may agree to one or more extensions of this time period not to exceed sixty (60) calendar days in total, and shall notify the Court in such circumstances. Defendants agree to use their best efforts to divest the Appendix A Divestiture Assets as expeditiously as possible.

B. Defendants are ordered and directed, within ninety (90) calendar days after consummation of the transaction sought to be enjoined by the Complaint, or five (5) calendar days after notice of the entry of this Final Judgment by the Court, whichever is later, to divest the Appendix B Divestiture Assets in a manner consistent with this Final Judgment to an Acquirer or Acquirer(s) of the Appendix B Divestiture Assets acceptable to the United States, in its sole discretion. The United States, in its sole discretion, may agree to one or more extensions of this time period not to exceed sixty (60) calendar days in total, and shall notify the Court in such circumstances. Defendants agree to use their best efforts to divest the Appendix B Divestiture Assets as expeditiously as possible.

C. In the event Defendants are attempting to divest the Appendix A Divestiture Assets to an Acquirer other than Access, and in accomplishing the divestiture of the Appendix B Divestiture Assets ordered by this Final Judgment, Defendants promptly shall make known, by usual and customary means, the availability of the Divestiture Assets. Defendants shall inform any person making an inquiry regarding a possible purchase of the Divestiture Assets that they are being divested pursuant to this Final Judgment and provide that person with a copy of this Final Judgment. Defendants shall offer to furnish to all qualified prospective Acquirers, subject to customary confidentiality assurances, all information and documents relating to the Divestiture Assets customarily provided in a due diligence process except such information or documents subject to the attorney-client privilege or work-product doctrine. Defendants shall make available such information to the United States at the same time that such information is made available to any other person.

D. Defendants shall provide the Acquirer(s) and the United States information relating to the personnel involved in the operation and management of the Divestiture Assets or the sale of Records Management services provided from the Divestiture Assets to enable the Acquirer(s) to make offers of employment. Defendants will not interfere with any negotiations by the Acquirer(s) to employ any Defendant employee whose primary responsibility is the operation and management of the Divestiture Assets or the sale of Records Management services provided from the Divestiture Assets.

E. Defendants shall permit prospective Acquirers of the Divestiture Assets to have reasonable access to personnel and to make inspections of the physical facilities of the Divestiture Assets; access to any and all environmental, zoning, and other permit documents and information; and access to any and all financial, operational, or other documents and information customarily provided as part of a due diligence process.

F. Defendants shall warrant to the Acquirer(s) that the Divestiture Assets will be operational on the date of sale.

G. Defendants shall not take any action that will impede in any way the permitting, operation, or divestiture of the Divestiture Assets.

H. Defendants shall warrant to the Acquirer(s) that there are no material defects in the environmental, zoning or other permits pertaining to the operation of the Divestiture Assets, and that following the sale of the Divestiture Assets, Defendants will not undertake, directly or indirectly, any challenges to the environmental, zoning, or other permits relating to the operation of the Divestiture Assets.

I. At the option of the Acquirer(s), Defendants shall enter into a Transition Services Agreement for any services that are reasonably necessary for the Acquirer(s) to operate any of the Divestiture Records Management Facilities for a period of up to six (6) months. The United States, in its sole discretion, may approve one or more extensions of this agreement for a total of up to an additional six (6) months. Defendants shall perform all duties and provide all services required of Defendants under the Transition Services Agreement. The terms and conditions of any contractual arrangement meant to satisfy this provision must be reasonably related to market conditions. Any amendments, modifications or extensions of the Transition Services Agreement may only be entered into with the approval of the United States, in its sole discretion.

J. For a period of one (1) year from the date of the sale of any Divestiture Assets to an Acquirer, Defendants shall allow any Split Multi-City Customer to terminate or otherwise modify its contract with Recall so as to enable the Split Multi-City Customer to transfer some or all of its records to that Acquirer without penalty or delay and shall not enforce any contractual provision providing for permanent withdrawal fees, retrieval fees, or other fees associated with transferring such customer's records from a Recall Records Management facility to a facility operated by the Acquirer; except that if a Split Multi-City Customer requests that Defendants physically transport such records to the Acquirer, nothing in this Section IV.J prohibits Defendants from charging: (1) Either the transportation fees listed in the Split Multi-City Customer's contract with Recall or $.30 per carton, whichever is less; or (2) either the re-filing fees listed in the Split Multi-City Customer's contract with Recall or $.45 per carton, whichever is less, if the Split Multi-City Customer requests that Defendants handle the re-filing of the cartons at the Acquirer's facility.

K. Within five (5) business days of the date of the sale of the Divestiture Assets to an Acquirer, Defendants shall send a letter, in a form approved by the United States in its sole discretion, to all Split Multi-City Customers of the Divestiture Records Management Facilities acquired by that Acquirer notifying the recipients of the divestiture and providing a copy of this Final Judgment. Defendants shall provide the United States a copy of their letter at least five (5) business days before it is sent. The letter shall specifically advise customers of the rights provided under Section IV.J of this Final Judgment. The Acquirer shall have the option to include its own letter with Defendants' letter.

L. Unless the United States otherwise consents in writing, the divestiture pursuant to Section IV, or by Divestiture Trustee appointed pursuant to Section V, of this Final Judgment, (1) shall include the entire Divestiture Assets (unless the United States in its sole discretion approves the divestiture of a subset of the Divestiture Assets), and (2) shall be accomplished in such a way as to satisfy the United States, in its sole discretion, that the Divestiture Assets can and will be used by the Acquirer(s) as part of a viable, ongoing Records Management business. Divestiture of the Divestiture Assets may be made to one or more Acquirers provided that in each instance it is demonstrated to the sole satisfaction of the United States that the Divestiture Assets will remain viable and the divestiture of such assets will remedy the competitive harm alleged in the Complaint. The divestitures, whether pursuant to Section IV or Section V of this Final Judgment,

(1) shall be made to an Acquirer(s) that, in the United States' sole judgment, has the intent and capability (including the necessary managerial, operational, technical and financial capability) of competing effectively in the records management business; and

(2) shall be accomplished so as to satisfy the United States, in its sole discretion, that none of the terms of any agreement between an Acquirer(s) and Defendants give Defendants the ability unreasonably to raise the Acquirer's costs, to lower the Acquirer's efficiency, or otherwise to interfere in the ability of the Acquirer(s) to compete effectively.

V. Appointment of Divestiture Trustee

A. If Defendants have not divested all of the Divestiture Assets within the time periods specified in Sections IV.A and IV.B, Defendants shall notify the United States of that fact in writing. Upon application of the United States, the Court shall appoint a Divestiture Trustee selected by the United States and approved by the Court to effect the divestiture of any remaining Divestiture Assets.

B. After the appointment of a Divestiture Trustee becomes effective, only the Divestiture Trustee shall have the right to sell the remaining Divestiture Assets. The Divestiture Trustee shall have the power and authority to accomplish the divestiture to an Acquirer(s) acceptable to the United States at such price and on such terms as are then obtainable upon reasonable effort by the Divestiture Trustee, subject to the provisions of Sections IV, V, and VI of this Final Judgment, and shall have such other powers as this Court deems appropriate. Subject to Section V.D of this Final Judgment, the Divestiture Trustee may hire at the cost and expense of Defendants any investment bankers, attorneys, or other agents, who shall be solely accountable to the Divestiture Trustee, reasonably necessary in the Divestiture Trustee's judgment to assist in the divestiture. Any such investment bankers, attorneys, or other agents shall serve on such terms and conditions as the United States approves including confidentiality requirements and conflict of interest certifications.

C. Defendants shall not object to a sale by the Divestiture Trustee on any ground other than the Divestiture Trustee's malfeasance. Any such objections by Defendants must be conveyed in writing to the United States and the Divestiture Trustee within ten (10) calendar days after the Divestiture Trustee has provided the notice required under Section VI.

D. The Divestiture Trustee shall serve at the cost and expense of Defendants pursuant to a written agreement, on such terms and conditions as the United States approves including confidentiality requirements and conflict of interest certifications. The Divestiture Trustee shall account for all monies derived from the sale of the assets sold by the Divestiture Trustee and all costs and expenses so incurred. After approval by the Court of the Divestiture Trustee's accounting, including fees for its services yet unpaid and those of any professionals and agents retained by the Divestiture Trustee, all remaining money shall be paid to Defendants and the trust shall then be terminated. The compensation of the Divestiture Trustee and any professionals and agents retained by the Divestiture Trustee shall be reasonable in light of the value of the Divestiture Assets to be sold by the Divestiture Trustee and based on a fee arrangement providing the Divestiture Trustee with an incentive based on the price and terms of the divestiture and the speed with which it is accomplished, but timeliness is paramount. If the Divestiture Trustee and Defendants are unable to reach agreement on the Divestiture Trustee's or any agents' or consultants' compensation or other terms and conditions of engagement within fourteen (14) calendar days of appointment of the Divestiture Trustee, the United States may, in its sole discretion, take appropriate action, including making a recommendation to the Court. The Divestiture Trustee shall, within three (3) business days of hiring any other professionals or agents, provide written notice of such hiring and the rate of compensation to Defendants and the United States.

E. Defendants shall use their best efforts to assist the Divestiture Trustee in accomplishing the required divestiture. The Divestiture Trustee and any consultants, accountants, attorneys, and other agents retained by the Divestiture Trustee shall have full and complete access to the personnel, books, records, and facilities of the business to be divested, and Defendants shall develop financial and other information relevant to such business as the Divestiture Trustee may reasonably request, subject to reasonable protection for trade secret or other confidential research, development, or commercial information or any applicable privileges. Defendants shall take no action to interfere with or to impede the Divestiture Trustee's accomplishment of the divestiture.

F. After its appointment, the Divestiture Trustee shall file monthly reports with the United States and, as appropriate, the Court setting forth the Divestiture Trustee's efforts to accomplish the divestiture ordered under this Final Judgment. To the extent such reports contain information that the Divestiture Trustee deems confidential, such reports shall not be filed in the public docket of the Court. Such reports shall include the name, address, and telephone number of each person who, during the preceding month, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any interest in the Divestiture Assets, and shall describe in detail each contact with any such person. The Divestiture Trustee shall maintain full records of all efforts made to divest the Divestiture Assets.

G. If the Divestiture Trustee has not accomplished the divestiture ordered under this Final Judgment within six (6) months after its appointment, the Divestiture Trustee shall promptly file with the Court a report setting forth (1) the Divestiture Trustee's efforts to accomplish the required divestiture, (2) the reasons, in the Divestiture Trustee's judgment, why the required divestiture has not been accomplished, and (3) the Divestiture Trustee's recommendations. To the extent such reports contains information that the Divestiture Trustee deems confidential, such reports shall not be filed in the public docket of the Court. The Divestiture Trustee shall at the same time furnish such report to the United States which shall have the right to make additional recommendations consistent with the purpose of the trust. The Court thereafter shall enter such orders as it shall deem appropriate to carry out the purpose of the Final Judgment, which may, if necessary, include extending the trust and the term of the Divestiture Trustee's appointment by a period requested by the United States.

H. If the United States determines that the Divestiture Trustee has ceased to act or failed to act diligently or in a reasonably cost-effective manner, it may recommend the Court appoint a substitute Divestiture Trustee.

VI. Notice of Proposed Divestiture

A. Within two (2) business days following execution of a definitive divestiture agreement, Defendants or the Divestiture Trustee, whichever is then responsible for effecting the divestiture required herein, shall notify the United States of any proposed divestiture required by Section IV or V of this Final Judgment. If the Divestiture Trustee is responsible, it shall similarly notify Defendants. The notice shall set forth the details of the proposed divestiture and list the name, address, and telephone number of each person not previously identified who offered or expressed an interest in or desire to acquire any ownership interest in the Divestiture Assets, together with full details of the same.

B. Within fifteen (15) calendar days of receipt by the United States of such notice, the United States may request from Defendants, the proposed Acquirer(s), any other third party, or the Divestiture Trustee, if applicable, additional information concerning the proposed divestiture, the proposed Acquirer(s), and any other potential Acquirer. Defendants and the Divestiture Trustee shall furnish any additional information requested within fifteen (15) calendar days of the receipt of the request, unless the parties shall otherwise agree.

C. Within thirty (30) calendar days after receipt of the notice or within twenty (20) calendar days after the United States has been provided the additional information requested from Defendants, the proposed Acquirer(s), any third party, and the Divestiture Trustee, whichever is later, the United States shall provide written notice to Defendants and the Divestiture Trustee, if there is one, stating whether or not it objects to the proposed divestiture. If the United States provides written notice that it does not object, the divestiture may be consummated, subject only to Defendants' limited right to object to the sale under Section V.C of this Final Judgment. Absent written notice that the United States does not object to the proposed Acquirer(s) or upon objection by the United States, a divestiture proposed under Section IV or Section V shall not be consummated. Upon objection by Defendants under Section V.C, a divestiture proposed under Section V shall not be consummated unless approved by the Court.

VII. Financing

Defendants shall not finance all or any part of any purchase made pursuant to Section IV or V of this Final Judgment.

VIII. Hold Separate

Until the divestiture required by this Final Judgment has been accomplished, Defendants shall take all steps necessary to comply with the Hold Separate Stipulation and Order entered by this Court. Defendants shall take no action that would jeopardize the divestiture ordered by this Court.

IX. Affidavits

A. Within twenty (20) calendar days of the filing of the Complaint in this matter, and every thirty (30) calendar days thereafter until the divestiture has been completed under Section IV or V, Defendants shall deliver to the United States an affidavit as to the fact and manner of its compliance with Section IV or V of this Final Judgment. Each such affidavit shall include the name, address, and telephone number of each person who, during the preceding thirty (30) calendar days, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any interest in the Divestiture Assets, and shall describe in detail each contact with any such person during that period. Each such affidavit shall also include a description of the efforts Defendants have taken to solicit buyers for the Divestiture Assets, and to provide required information to prospective Acquirers, including the limitations, if any, on such information. Assuming the information set forth in the affidavit is true and complete, any objection by the United States to information provided by Defendants, including limitation on information, shall be made within fourteen (14) calendar days of receipt of such affidavit.

B. Within twenty (20) calendar days of the filing of the Complaint in this matter, Defendants shall deliver to the United States an affidavit that describes in reasonable detail all actions Defendants have taken and all steps Defendants have implemented on an ongoing basis to comply with Section VIII of this Final Judgment. Defendants shall deliver to the United States an affidavit describing any changes to the efforts and actions outlined in Defendants' earlier affidavits filed pursuant to this section within fifteen (15) calendar days after the change is implemented.

C. Defendants shall keep all records of all efforts made to preserve and divest the Divestiture Assets until one year after such divestiture has been completed.

X. Compliance Inspection

A. For the purposes of determining or securing compliance with this Final Judgment, or of any related orders such as any Hold Separate Stipulation and Order, or of determining whether the Final Judgment should be modified or vacated, and subject to any legally recognized privilege, from time to time authorized representatives of the United States Department of Justice, including consultants and other persons retained by the United States, shall, upon written request of an authorized representative of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to Defendants, be permitted:

(1) Access during Defendants' office hours to inspect and copy, or at the option of the United States, to require Defendants to provide hard copy or electronic copies of, all books, ledgers, accounts, records, data, and documents in the possession, custody, or control of Defendants, relating to any matters contained in this Final Judgment; and

(2) to interview, either informally or on the record, Defendants' officers, employees, or agents, who may have their individual counsel present, regarding such matters. The interviews shall be subject to the reasonable convenience of the interviewee and without restraint or interference by Defendants.

B. Upon the written request of an authorized representative of the Assistant Attorney General in charge of the Antitrust Division, Defendants shall submit written reports or response to written interrogatories, under oath if requested, relating to any of the matters contained in this Final Judgment as may be requested.

C. No information or documents obtained by the means provided in this section shall be divulged by the United States to any person other than an authorized representative of the executive branch of the United States, except in the course of legal proceedings to which the United States is a party (including grand jury proceedings), or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

D. If at the time information or documents are furnished by Defendants to the United States, Defendants represent and identify in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure, and Defendants mark each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure," then the United States shall give Defendants ten (10) calendar days notice prior to divulging such material in any legal proceeding (other than a grand jury proceeding).

XI. Notification

A. Unless such transaction is otherwise subject to the reporting and waiting period requirements of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, as amended, 15 U.S.C. 18a (the "HSR Act"), Defendants, without providing advance notification to DOJ, shall not directly or indirectly acquire any assets of or any interest, including any financial, security, loan, equity or management interest, in any Records Management business located within a fifty (50) mile radius of any Iron Mountain Records Management facility in the metropolitan statistical areas associated with the cities listed in Appendix C during the term of this Final Judgment; provided that notification pursuant to this Section shall not be required where the assets or interest being acquired generated less than $1 million in revenue from Records Management services in the most recent completed calendar year.

B. Such notification shall be provided to the DOJ in the same format as, and per the instructions relating to the Notification and Report Form set forth in the Appendix to Part 803 of Title 16 of the Code of Federal Regulations as amended, except that the information requested in Items 5 through 8 of the instructions must be provided only about Records Management. Notification shall be provided at least thirty (30) calendar days prior to acquiring any such interest, and shall include, beyond what may be required by the applicable instructions, the names of the principal representatives of the parties to the agreement who negotiated the agreement, and any management or strategic plans discussing the proposed transaction. If within the 30-day period after notification, representatives of the Antitrust Division make a written request for additional information, Defendants shall not consummate the proposed transaction or agreement until thirty (30) calendar days after submitting all such additional information. Early termination of the waiting periods in this paragraph may be requested and, where appropriate, granted in the same manner as is applicable under the requirements and provisions of the HSR Act and rules promulgated thereunder. This Section shall be broadly construed and any ambiguity or uncertainty regarding the filing of notice under this Section shall be resolved in favor of filing notice.

XII. No Reacquisition

Defendants may not reacquire any part of the Divestiture Assets during the term of this Final Judgment.

XIII. Retention of Jurisdiction

This Court retains jurisdiction to enable any party to this Final Judgment to apply to this Court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this Final Judgment, to modify any of its provisions, to enforce compliance, and to punish violations of its provisions.

XIV. Expiration of Final Judgment

Unless this Court grants an extension, this Final Judgment shall expire ten (10) years from the date of its entry.

XV. Public Interest Determination

Entry of this Final Judgment is in the public interest. The parties have complied with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, including making copies available to the public of this Final Judgment, the Competitive Impact Statement, and any comments thereon and the United States' responses to comments. Based upon the record before the Court, which includes the Competitive Impact Statement and any comments and response to comments filed with the Court, entry of this Final Judgment is in the public interest.

Date: ________________________

Court approval subject to procedures of Antitrust Procedures and Penalties Act, 15 U.S.C. § 16

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United States District Judge

[FR Doc. 2016–08210 Filed 4–8–16; 8:45 am]

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DEPARTMENT OF JUSTICE

[OMB Number 1121–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Census of State and Local Law Enforcement Agencies Serving Tribal Lands (CSLLEASTL)

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register** at 81 FR 6295, February 5, 2016, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until May 11, 2016.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Suzanne Strong, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW., Washington, DC 20531 (email: *Suzanne.M.Strong@ojp.usdoj.gov;* telephone: 202–616–3666). Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- —Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- —Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *Title of the Form/Collection:* Census of State and Local Law Enforcement Agencies Serving Tribal Lands/part of the State and Local Justice Agencies Serving Tribal Lands collection.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* The form number for the collection is SLJASTL–15b. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Law enforcement agencies were asked on the Census of State and Local Law Enforcement Agencies (CSLLEA) whether they provided services to tribal lands. All agencies that responded yes will be asked to respond. Additionally, because the CSLLEA did not have a full response, any law enforcement agencies contiguous to tribal lands that did not respond to the CSLLEA will also be asked to respond. The Census of State and Local Law Enforcement Agencies Serving Tribal Lands is the first national collection to gather data on the characteristics, functions, and resources of law enforcement agencies that provide services to tribal lands.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 1,600 law enforcement agencies will be asked to respond to the survey. About 54% of these respondents will be ineligible to complete the survey instrument. For these entities the burden will be less than 5 minutes. Of the remaining 740 law enforcement agencies, we expect a 95% response rate or 703 agencies. It will take the average interviewed respondent an estimated 60 minutes to respond and 15 minutes for any response verification.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 879 total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: April 5, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–08193 Filed 4–8–16; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Census of State and Local Prosecutor Offices Serving Tribal Lands (CSLPOSTL)

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register** at 81 FR 6294, February 5, 2016, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until May 11, 2016.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Suzanne Strong, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW., Washington, DC 20531 (email: *Suzanne.M.Strong@ojp.usdoj.gov;* telephone: 202–616–3666). Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* New collection.

(2) *Title of the Form/Collection:* Census of State and Local Prosecutor Offices Serving Tribal Lands/part of the State and Local Justice Agencies Serving Tribal Lands collection.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* The form number for the collection is SLJASTL–15a. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Prosecutor offices located in counties contiguous to federally recognized tribal lands will be asked to respond. The Census of State and Local Prosecutor Offices is the first national collection to gather data on the characteristics, functions, and resources of prosecutor offices that provide services to tribal lands.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 490 prosecutor offices will be asked to respond to the survey. About 58% of those offices

located in contiguous counties are not expected to provide services to tribal lands and will be ineligible to complete the survey. For these entities the burden will be less than 5 minutes. Of the remaining 204 prosecutor offices, we expect a 95% response rate, or 194 offices. It will take the average respondent an estimated 60 minutes to respond and 15 minutes for any response verification.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 243 total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: April 5, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–08194 Filed 4–8–16; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Docket No. OAG 151; AG Order No. 3659–2016]

RIN 1121–AA87

Supplemental Guidelines for Juvenile Registration Under the Sex Offender Registration and Notification Act

AGENCY: Department of Justice.

ACTION: Notice; proposed guidelines.

SUMMARY: The Sex Offender Registration and Notification Act (SORNA) requires registration of individuals convicted of sex offenses as adults and, in addition, registration of juveniles adjudicated delinquent for certain serious sex offenses. SORNA also provides for a reduction of justice assistance funding to eligible jurisdictions that fail to "substantially implement" SORNA's requirements, including the juvenile registration requirement, in their sex offender registration programs. These proposed guidelines provide guidance regarding the substantial implementation of the juvenile registration requirement by eligible jurisdictions. The Justice Department's Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking will examine the following factors when assessing whether a jurisdiction has substantially implemented SORNA's juvenile registration provisions: Policies and practices to prosecute as adults juveniles who commit serious sex offenses; policies and practices to register juveniles adjudicated delinquent for serious sex offenses; and other policies and practices to identify, track, monitor, or manage juveniles adjudicated delinquent for serious sex offenses who are in the community and to ensure that the records of their identities and sex offenses are available as needed for public safety purposes. By affording jurisdictions greater flexibility in their efforts to substantially implement SORNA's juvenile registration requirement, the proposed guidelines will further SORNA's public safety objectives in relation to serious juvenile sex offenders and facilitate jurisdictions' substantial implementation of all aspects of SORNA. The proposed guidelines concern only substantial implementation of SORNA's juvenile registration requirement and do not affect substantial implementation of SORNA's registration requirements for individuals convicted of sex offenses as adults.

DATES: Written comments must be postmarked and electronic comments must be submitted on or before June 10, 2016. Comments received by mail will be considered timely if they are postmarked on or before that date. The electronic Federal Docket Management System (FDMS) will accept comments until midnight Eastern Time at the end of that day.

ADDRESSES: To ensure proper handling of comments, please reference OAG Docket No. 151 in all electronic and written correspondence. The Department encourages the electronic submission of all comments through *http://www.regulations.gov* using the electronic comment form provided on that site. An electronic copy of this document is also available at the *http://www.regulations.gov* Web site for easy reference. Paper comments that duplicate the electronic submission are not necessary as all comments submitted to *http://www.regulations.gov* will be posted for public review and are part of the official docket record. Should you, however, wish to submit written comments by mail, they should be sent to Luis C.deBaca, Director, SMART Office, Office of Justice Programs, United States Department of Justice, 810 7th St. NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Luis C.deBaca, Director, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking; Office of Justice Programs, United States Department of Justice, Washington, DC, (202) 514–4689.

SUPPLEMENTARY INFORMATION:

Posting of Public Comments

Please note that all comments received are considered part of the public record and made available for public inspection online at *http://www.regulations.gov.* Such information includes personal identifying information (such as your name and address) voluntarily submitted by the commenter.

You are not required to submit personal identifying information in order to comment on these proposed guidelines. Nevertheless, if you want to submit personal identifying information (such as your name and address) as part of your comment, but do not want it to be posted online, you must include the phrase "PERSONAL IDENTIFYING INFORMATION" in the first paragraph of your comment. You also must locate all of the personal identifying information that you do not want posted online in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment but do not want it to be posted online, you must include the phrase "CONFIDENTIAL BUSINESS INFORMATION" in the first paragraph of your comment. You also must prominently identify confidential business information to be redacted within the comment. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be posted on *http://www.regulations.gov.*

Personal identifying information and confidential business information identified and located as set forth above will be placed in the agency's public docket file, but not posted online. If you wish to inspect the agency's public docket file in person by appointment, please see the paragraph above entitled **FOR FURTHER INFORMATION CONTACT**.

Background

The Sex Offender Registration and Notification Act ("SORNA"), title I of the Adam Walsh Child Protection and Safety Act of 2006, Public Law 109–248, was enacted on July 27, 2006. SORNA (42 U.S.C. 16901 *et seq.*) establishes minimum national standards for sex offender registration and notification in the jurisdictions to which it applies. "Jurisdictions" in the relevant sense are the 50 states, the District of Columbia, the five principal U.S. territories, and federally recognized Indian tribes that satisfy certain criteria. 42 U.S.C. 16911(10).

SORNA provides a financial incentive for eligible jurisdictions to adopt its standards, by requiring a 10 percent reduction of federal justice assistance funding to an eligible jurisdiction if the Attorney General determines that the jurisdiction has failed to "substantially implement" SORNA. 42 U.S.C. 16925(a). SORNA also directs the Attorney General to issue guidelines and regulations to interpret and implement SORNA. *See id.* 16912(b). To this end, the Attorney General issued the *National Guidelines for Sex Offender Registration and Notification* ("SORNA Guidelines"), 73 FR 38030, on July 2, 2008, and the *Supplemental Guidelines for Sex Offender Registration and Notification* ("Supplemental Guidelines"), 76 FR 1630, on January 11, 2011. The Justice Department's Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking ("SMART Office") assists all jurisdictions in their SORNA implementation efforts and determines whether they have substantially implemented SORNA's requirements in their registration and notification programs. *See* 42 U.S.C. 16945; 73 FR at 38044, 38047–48; 76 FR at 1638–39.

In addition to requiring registration based on adult convictions for sex offenses, SORNA includes as covered "sex offender[s]" juveniles at least 14 years old who have been adjudicated delinquent for particularly serious sex offenses. 42 U.S.C. 16911(1), (8); *see id.* 16913 (setting forth registration requirements). In relation to the juvenile registration requirement, as in other contexts, the SMART Office "consider[s] on a case-by-case basis whether jurisdictions' rules or procedures that do not exactly follow the provisions of SORNA . . . 'substantially' implement SORNA, assessing whether the departure from a SORNA requirement will or will not substantially disserve the objectives of the requirement." 73 FR at 38048.

The SORNA Guidelines explained, in particular, that substantial implementation of SORNA need not include registration of juveniles adjudicated delinquent for certain lesser offenses within the scope of SORNA's juvenile registration provisions. The Guidelines stated that jurisdictions can achieve substantial implementation if they cover offenses by juveniles at least 14 years old that consist of engaging (or attempting or conspiring to engage) in a sexual act with another by force or the threat of serious violence or by rendering unconscious or involuntarily drugging the victim. *Id.* at 38050. This interpretation of substantial implementation addressed concerns about the potential registration of juveniles in some circumstances based on consensual sexual activity with other juveniles, which is outside the scope of the coverage required by the Guidelines. *See id.* at 38040–41.

The Supplemental Guidelines included a subsequent change affecting the treatment of all persons required to register on the basis of juvenile delinquency adjudications. SORNA authorizes the Attorney General to create exemptions from SORNA's requirement that information about registered sex offenders be made available to the public through Web site postings and other means. *See* 42 U.S.C. 16918(c)(4), 16921(b). The Supplemental Guidelines noted that the SORNA Guidelines had endeavored to facilitate jurisdictions' compliance with SORNA's registration requirement for "juveniles at least 14 years old who are adjudicated delinquent for particularly serious sex offenses," but that "resistance by some jurisdictions to public disclosure of information about sex offenders in this class has continued to be one of the largest impediments to SORNA implementation." 76 FR at 1636. The Attorney General accordingly exercised his exemption authority "to allow jurisdictions to exempt from public . . . disclosure information concerning sex offenders required to register on the basis of juvenile delinquency adjudications." *Id.* This exemption did not change the requirement that such juveniles be registered and that information about them be transmitted or made available "to the national (non-public) databases of sex offender information, to law enforcement and supervision agencies, and to registration authorities in other jurisdictions." *Id.* at 1637.

Based on additional experience with SORNA implementation, and further reflection on the practicalities and effects of juvenile registration, these proposed guidelines modify the approach the SMART Office will take in assessing whether a jurisdiction has substantially implemented SORNA's juvenile registration requirement. As explained below, the modification will enhance public safety by incentivizing a broader range of measures that may protect the public from serious juvenile sex offenders.

While most states provide for registration of some sex offenders based on juvenile delinquency adjudications, many do not or do so only on a discretionary basis. *See* SMART Office, SMART Summary: Prosecution, Transfer, and Registration of Serious Juvenile Sex Offenders 10–11, 24–29 (Mar. 2015) ("SMART Juvenile Summary"), *www.smart.gov/pdfs/smartjuvenilessum.pdf.* Too rigid an approach to implementation of the juvenile registration aspect of SORNA, which affects a limited subclass of sex offenders, may conflict at a practical level with the objective of implementing SORNA's more broadly applicable reforms, which affect the whole universe of convicted sex offenders. This occurs when a jurisdiction's unwillingness or inability to implement the juvenile registration requirement discourages or stymies further efforts to implement SORNA generally, because the deficit regarding juvenile registration alone precludes approval of the jurisdiction as having substantially implemented SORNA. Moreover, the juvenile registration requirement is in some respects unique in terms of its scope and rationale and the potential for furthering its objectives by other means.

First, juveniles may be subject to prosecution in either of two distinct justice systems—the juvenile justice system or the adult criminal justice system. The SORNA Guidelines provide that registration jurisdictions may substantially implement SORNA's juvenile registration requirement by registering persons at least 14 years old at the time of the offense who are adjudicated delinquent for an offense amounting to rape or its equivalent, or an attempt or conspiracy to commit such an offense. *See* 73 FR at 38041, 38050. Practically all states authorize or require adult prosecution for many or all such juveniles. *See* SMART Juvenile Summary 5–9, 16, 19–23. Where juveniles are prosecuted as adults, the resulting convictions are treated as adult convictions under SORNA, and SORNA's general provisions require the sex offender to register. *See* 73 FR at 38050.

Consequently, a jurisdiction may advance SORNA's public safety goals in relation to serious juvenile sex offenders not only by prescribing mandatory registration for those offenders adjudicated delinquent, but also by prosecuting such offenders in the adult criminal justice system. Consider a jurisdiction that normally subjects sex offenders in SORNA's juvenile registration category to adult prosecution and conviction, with resulting registration, but that does not have mandatory registration for the relatively few offenders in this category who are proceeded against in the juvenile justice system. With respect to most sex offenders, the jurisdiction protects the public through registration at least as effectively as a jurisdiction that proceeds against more offenders as juveniles and has mandatory registration based on delinquency adjudications, because all individuals convicted of qualifying sex offenses as adults are required to register. In some respects, a jurisdiction oriented towards adult prosecution of the most serious juvenile sex offenders may more effectively advance SORNA's public safety objectives, because prosecution as an adult also makes available the more substantial incarceration and supervision sanctions of the adult criminal justice system. But if mandatory juvenile registration is treated as a *sine qua non* of substantial SORNA implementation, that jurisdiction could not be approved as having substantially implemented SORNA.

A second feature unique to juvenile sex offenders is that SORNA requires registration only for certain juveniles who are adjudicated delinquent for particularly serious sex offenses—that is, sex offenses that are "comparable to or more serious than aggravated sexual abuse" (or attempt or conspiracy to commit such offenses). 42 U.S.C. 16911(8). Jurisdictions that allow for discretionary registration of juveniles adjudicated delinquent for sex offenses may in practice capture many of the juveniles in SORNA's juvenile registration category—especially those who pose the most danger to others—in their registration schemes. Rather than simply rejecting a jurisdiction's approach to juvenile registration for having a discretionary aspect, examination of these registration programs as applied would allow the SMART Office to determine whether, when considered as part of a jurisdiction's overall registration scheme, this variance does or does not substantially disserve SORNA's purposes.

Considering discretionary juvenile registration might appear to be inconsistent with the response to public comments accompanying the issuance of the SORNA Guidelines, which stated that registration as "a matter of judicial discretion" is insufficient to substantially implement SORNA's juvenile registration requirement. 73 FR at 38038. However, that response addressed comments urging that discretionary registration should in itself be considered sufficient implementation of SORNA's requirements, "ignor[ing] what SORNA provides on this issue, and instead do[ing] something different that the commenters believe to be better policy." *Id.* That is not the approach of these proposed guidelines, which contemplate that the SMART Office will consider the full range of pertinent measures a jurisdiction may adopt, and do not assume that simply replacing a mandatory registration requirement with a discretionary one achieves in substance what SORNA requires. For example, consider a jurisdiction that (i) largely requires registration by sex offenders in SORNA's juvenile registration class because those offenders are likely to be prosecuted and convicted in the adult criminal justice system, (ii) allows registration on a discretionary basis for sex offenders who remain in the juvenile justice system, and (iii) provides other effective post-release monitoring and identification measures for juvenile sex offenders as discussed below. In assessing whether such a jurisdiction has substantially implemented SORNA's juvenile registration requirement, it is appropriate to take into account the jurisdiction's discretionary registration of adjudicated delinquents along with other factors, and doing so does not conflict with the prior rejection of approaches that "ignore[ ] what SORNA provides." *Id.*

A third feature specific to the juvenile context is the prevalence of juvenile confidentiality provisions, which can limit the availability of information about the identities, locations, and criminal histories of juvenile sex offenders. Potential consequences of these confidentiality provisions include that (i) law enforcement agencies may lack information about certain sex offenders in their areas that could, if known, assist in solving new sex crimes and apprehending the perpetrators; (ii) sex offenders may be less effectively discouraged from engaging in further criminal conduct, because the authorities do not know their identities, locations, and criminal histories; and (iii) offenders' histories of sexual violence or child molestation, which might disqualify them from positions giving them control over or access to potential victims (such as childcare positions), may not be disclosed through background check systems or affirmative notice to appropriate authorities. These confidentiality provisions accordingly may negatively affect the achievement of SORNA's public safety objectives. *See* 73 FR at 38044–45, 38060–61. Congress's decision to subject certain juvenile sex offenders to SORNA's registration requirements was an effort to overcome risks to the public posed by juvenile confidentiality requirements that Congress considered too broad. *See* H.R. Rep. No. 109–218, pt. 1, at 25 (2005).

A jurisdiction that does not implement juvenile registration in the exact manner specified in SORNA's juvenile registration provisions may nevertheless adopt other measures that address the underlying concerns as part of its substantial implementation of SORNA. For example, a jurisdiction may have means of monitoring or tracking juvenile sex offenders following release, such as extended post-release supervision regimes or address-reporting requirements, that may not incorporate all aspects of SORNA's registration system, but that may nevertheless help law enforcement agencies to identify the sex offenders in their areas and the perpetrators of new sex offenses. Confidentiality requirements for juvenile records may be appropriately defined and limited so as not to conceal risks to potential victims from persons who committed serious sex offenses as juveniles.

In sum, a number of factors are reasonably considered in ascertaining whether a jurisdiction has substantially implemented SORNA's juvenile registration provisions, which have not been articulated or given weight to the same extent under previous guidelines. Accordingly, in these proposed guidelines, the Attorney General expands the matters that the SMART Office will consider in determining substantial implementation of this SORNA requirement. This expansion recognizes that jurisdictions may adopt myriad robust measures to protect the public from serious juvenile sex offenders, and will help to promote and facilitate jurisdictions' substantial implementation of all aspects of SORNA.

Proposed Supplemental Guidelines for Juvenile Registration Under the Sex Offender Registration and Notification Act

If a jurisdiction does not register juveniles at least 14 years old who are adjudicated delinquent for particularly serious sex offenses in exact conformity with SORNA's provisions—for example, because the jurisdiction uses a discretionary process for determining such registration—the SMART Office will examine the following factors when assessing whether the jurisdiction has nevertheless substantially implemented SORNA's juvenile registration requirements: (i) Policies and practices to prosecute as adults juveniles who commit serious sex offenses; (ii) policies and practices to register juveniles adjudicated delinquent for serious sex offenses; and (iii) other policies and practices to identify, track, monitor, or manage juveniles adjudicated delinquent for serious sex offenses who are in the community and to ensure that the records of their identities and sex offenses are available as needed for public safety purposes. Consistent with the requirements for other aspects of a jurisdiction's program that do not exactly follow SORNA's provisions, a jurisdiction that seeks to rely on these factors in establishing substantial implementation must identify any departure from SORNA's requirements in its submission to the SMART Office and "explain why the departure from the SORNA requirements should not be considered a failure to substantially implement SORNA." 73 FR at 38048. The SMART Office will determine that a jurisdiction relying on these factors has substantially implemented SORNA's juvenile registration requirement only if it concludes that these factors, in conjunction with that jurisdiction's other policies and practices, have resulted or will result in the registration, identification, tracking, monitoring, or management of juveniles who commit serious sex offenses, and in the availability of the identities and sex offenses of such juveniles as needed for public safety purposes, in a manner that does not substantially disserve SORNA's objectives.

Dated: March 14, 2016.

Loretta E. Lynch,

Attorney General.

[FR Doc. 2016–08249 Filed 4–8–16; 8:45 am]

BILLING CODE 4410–18–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting

DATE AND TIME: The Legal Services Corporation's Board of Directors and its six committees will meet April 17–19, 2016. On Sunday, April 17, the first meeting will commence at 2:00 p.m., Eastern Standard Time (EST), with the meeting thereafter commencing promptly upon adjournment of the immediately preceding meeting. On Monday, April 18, the first meeting will commence at 9:00 a.m., EST, with the next meeting commencing promptly upon adjournment of the immediately preceding meeting. On Tuesday, April 19, the first meeting will commence at 8:45 a.m., EST, it will be followed by the closed session meeting of the Board of Directors which will commence promptly upon adjournment of the prior meeting.

LOCATION: 3333 K Street NW., 3rd Floor, F. McCalpin Conference Center Washington, DC 20007.

PUBLIC OBSERVATION: Unless otherwise noted herein, the Board and all committee meetings will be open to public observation. Members of the public who are unable to attend in person but wish to listen to the public proceedings may do so by following the telephone call-in directions provided below.

CALL-IN DIRECTIONS FOR OPEN SESSIONS:

- Call toll-free number: 1–866–451–4981;
- When prompted, enter the following numeric pass code: 5907707348
- When connected to the call, please immediately "*MUTE*" your telephone.

Members of the public are asked to keep their telephones muted to eliminate background noises. To avoid disrupting the meeting, please refrain from placing the call on hold if doing so will trigger recorded music or other sound. From time to time, the presiding Chair may solicit comments from the public.

MEETING SCHEDULE

	Time *
Sunday, April 17, 2016:	
1. Institutional Advancement Committee	2:00 p.m.
2. Communications Subcommittee of the Institutional Advancement Committee	
3. Governance & Performance Review Committee	
Monday, April 18, 2016:	
1. Operations & Regulations Committee	9:00 a.m.
2. Delivery of Legal Services Committee.	
3. Audit Committee.	
4. Finance Committee.	
5. Board of Directors.	
Tuesday, April 19, 2016:	
1. Board of Directors	8:45 a.m.

STATUS OF MEETING: Open, except as noted below.

Board of Directors—Open, except that, upon a vote of the Board of Directors, a portion of the meeting may be closed to the public to hear briefings by management and LSC's Inspector General, and to consider and act on the General Counsel's report on potential and pending litigation involving LSC, and on a list of prospective funders.**

Institutional Advancement Committee—Open, except that the meeting may be closed to the public to receive a briefing on the donor report.**

Audit Committee—Open, except that the meeting may be closed to the public to hear a briefing on the Office of Compliance and Enforcement's active enforcement matters, and a report on the integrity of electronic data.**

A verbatim written transcript will be made of the closed sessions of the Board, Institutional Advancement Committee, and Audit Committee. The transcript of any portions of the closed sessions falling within the relevant provisions of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(6) and (10), will not be available for public inspection. A copy of the General Counsel's Certification that, in his opinion, the closing is authorized by law will be available upon request.

MATTERS TO BE CONSIDERED:

April 17, 2016

Institutional Advancement Committee

1. Approval of agenda
2. Approval of minutes of the Committee's meeting on January 29, 2016
3. Approval of minutes of the Committee's telephonic meeting on March 22, 2016
4. Development Report
5. Update on Leaders Council
6. Public Comment
7. Consider and act on other business
8. Consider and act on motion to adjourn open session meeting and proceed to a closed session

Closed Session

1. Approval of the minutes of the Committee's Closed Session meeting on January 29, 2016
2. Donor Report
3. Consider and act on motion to adjourn the meeting

April 17, 2016

Communications Subcommittee of the Institutional Advancement Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Subcommittee's meeting on January 29, 2016
3. Communications analytics update
4. Update on youth pamphlet
5. Public comment
6. Consider and act on other business
7. Consider and act on motion to adjourn the meeting

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* Please note that all times in this notice are in *Eastern Standard Time.*

** Any portion of the closed session consisting solely of briefings does not fall within the Sunshine Act's definition of the term "meeting" and, therefore, the requirements of the Sunshine Act do not apply to such portion of the closed session. 5 U.S.C. 552b(a)(2) and (b). *See also* 45 CFR § 1622 1622.3.

Governance and Performance Review Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's Open Session meeting of January 29, 2016
3. Report on evaluations of LSC Comptroller, Vice President for Grants Management, and Vice President for Legal Affairs
   - Jim Sandman, President
4. Report on foundation grants and LSC's research agenda
   - Jim Sandman, President
   - Carlos Manjarrez, Director Office of Data Governance and Analysis
5. Report on transition planning
   - Ron Flagg, Vice President & General Counsel
6. Consider and act on other business
7. Public Comment
8. Consider and act on motion to adjourn meeting

April 18, 2016

Operations & Regulations Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's meeting on January 28, 2016
3. Consider and act on 2016–2017 Rulemaking Agenda
   - Ron Flagg, General Counsel
   - Stefanie Davis, Assistant General Counsel
   - Mark Freedman, Senior Associate General Counsel
4. Update on rulemaking workshops for 45 CFR part 1630—Cost Standards and the Property Acquisition and Management Manual
   - Ron Flagg, General Counsel
   - Stefanie Davis, Assistant General Counsel
5. Consider and Act on Further Notice of Proposed Rulemaking for 45 CFR part 1610.7—Transfers of LSC Funds, and 45 CFR part 1627—Subgrants and Membership Fees or Dues
   - Ron Flagg, General Counsel
   - Stefanie Davis, Assistant General Counsel
   - Mark Freedman, Senior Associate General Counsel
6. Update on performance management and human capital management
   - Traci Higgins, Director of Human Resources
7. Report on data validation and enhancement process
   - Carlos Manjarrez, Director Office of Data Governance and Analysis
8. Other public comment
9. Consider and act on other business
10. Consider and act on motion to adjourn meeting

April 18, 2016

Delivery of Legal Services Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's meeting on January 28 & 29, 2016
3. Update on LSC management proposal to review and revise Performance Criteria
   - Lynn Jennings, Vice President for Grants Management
4. Update on pilot project for client participation in grantee program visits
   - Althea Hayward, Deputy Director, Office of Program Performance
5. Presentation on grantee oversight by the Office of Program Performance
   a. Grantee visits
   b. Program Quality Visit Recommendations
   c. Post-Program Quality Visit and grantee application reviews
   d. Special grant conditions
   - Lynn Jennings, Vice President for Grants Management
   - Janet LaBella, Director, Office of Program Performance
6. Public comment
7. Consider and act on other business
8. Consider and act on motion to adjourn the meeting

April 18, 2016

Audit Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's meeting on January 29, 2016
3. Approval of minutes of the Combined Finance and Audit Committees' January 29, 2016 meeting
4. Briefing of Office of Inspector General
   - Jeffrey Schanz, Inspector General
5. Management update regarding risk management
   - Ron Flagg, General Counsel
6. Briefing about referrals by the Office of Inspector General to the Office of Compliance and Enforcement including matters from the annual Independent Public Accountants' audits of grantees
   - Lora Rath, Director of Compliance and Enforcement
7. Report on the implementation of the auditor's recommendation regarding inventory management
   - David Richardson, Treasurer/Comptroller
8. Briefing about LSC's oversight of grantees' services to groups
   - Ron Flagg, General Counsel
   - Janet LaBella, Director, Office of Program Performance
   - Lora M. Rath, Director, Office of Compliance and Enforcement
9. Consider and act on other business
10. Consider and act on motion to adjourn the open session meeting and proceed to a closed session

Closed Session

11. Approval of minutes of the Committee's Closed Session meeting of January 29, 2016
12. Briefing by the Office of Compliance and Enforcement on active enforcement matter(s) and follow-up to open investigation referrals from the Office of Inspector
    - Lora Rath, Director of Compliance and Enforcement
13. Report on the integrity of electronic data
    - Peter Campbell, Chief Information Officer
14. Consider and act on motion to adjourn the meeting

April 18, 2016

Finance Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's Open Session meeting on January 29, 2016
3. Approval of minutes of the Combined Finance and Audit Committees' January 29, 2016 meeting
4. Presentation of LSC's Financial Report for the first five months of FY 2016
   - David Richardson, Treasurer/Comptroller
5. Consider and act on LSC's Revised Consolidated Operating Budget for FY 2016
   - David Richardson, Treasurer/Comptroller
6. Report on the FY 2017 appropriations process
   - Carol Bergman, Director of Government Relations & Public Affairs
7. Management discussion regarding process and timetable for FY 2018 Budget request
   - Carol Bergman, Director of Government Relations & Public Affairs
8. Public comment
9. Consider and act on other business
10. Consider and act on adjournment of meeting

April 18–19, 2016

Board of Directors

Open Session—April 18th

1. Pledge of Allegiance
2. Approval of agenda
3. Approval of minutes of the Board's Open Session meeting of January 30, 2016

4. Discussion of LSC's Strategic Plan for 2017–2020
5. Consider and act on motion to recess the meeting to April 19th

Open Session—April 19th

1. Chairman's Report
2. Members' Report
4. President's Report
5. Inspector General's Report
6. Consider and act on the report of the Institutional Advancement Committee
7. Consider and Act on allocation of private funds request
8. Consider and act on the report of the Governance and Performance Review Committee
9. Consider and act on the report of the Operations and Regulations Committee
10. Consider and act on the report of the Delivery of Legal Services Committee
10. Consider and act on the report of the Audit Committee
11. Consider and act on the report of the Finance Committee
12. Consider and act on the resolution recognizing and thanking pro bone counsel
13. Public Comment
14. Consider and act on other business
15. Consider and act on motion to adjourn the open session meeting and proceed to a closed session

Closed Session

1. Approval of minutes of the Board's Closed Session meeting of January 30, 2016
2. Briefing by Management
3. Briefing by Inspector General
4. General Counsel's briefing on potential and pending litigation involving LSC
5. Consider and act on list of prospective funders
6. Consider and act on motion to adjourn meeting

CONTACT PERSON FOR INFORMATION: Katherine Ward, Executive Assistant to the Vice President & General Counsel, at (202) 295–1500. Questions may be sent by electronic mail to *FR_NOTICE_QUESTIONS@lsc.gov.*

NON-CONFIDENTIAL MEETING MATERIALS: Non-confidential meeting materials will be made available in electronic format at least 24 hours in advance of the meeting on the LSC Web site, at *http://www.lsc.gov/board-directors/meetings/board-meeting-notices/non-confidential-materials-be-considered-open-session.*

ACCESSIBILITY: LSC complies with the American's with Disabilities Act and Section 504 of the 1973 Rehabilitation Act. Upon request, meeting notices and materials will be made available in alternative formats to accommodate individuals with disabilities. Individuals who need other accommodations due to disability in order to attend the meeting in person or telephonically should contact Katherine Ward, at (202) 295–1500 or *FR_NOTICE_QUESTIONS@lsc.gov,* at least 2 business days in advance of the meeting. If a request is made without advance notice, LSC will make every effort to accommodate the request but cannot guarantee that all requests can be fulfilled.

Dated: April 6, 2016.

Katherine Ward,

Executive Assistant to the Vice President for Legal Affairs, General Counsel & Corporate Secretary.

[FR Doc. 2016–08328 Filed 4–7–16; 11:15 am]

BILLING CODE 7050–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (16–026)]

National Space-Based Positioning, Navigation, and Timing Advisory Board; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the National Space-Based Positioning, Navigation, and Timing Advisory Board.

DATES: Wednesday, May 18, 2016, 9:00 a.m. to 5:00 p.m.; and Thursday, May 19, 2016, 9:00 a.m. to 1:00 p.m., Local Time.

ADDRESSES: Gaylord National Resort and Convention Center, Woodrow Wilson Ballroom A, 201 Waterfront Street, National Harbor, MD 20745.

FOR FURTHER INFORMATION CONTACT: Mr. James J. Miller, Human Exploration and Operations Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–4417, fax (202) 358–4297, or *jj.miller@nasa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

The agenda for the meeting includes the following topics:

- Update on U.S. Space-Based Positioning, Navigation and Timing (PNT) Policy and Global Positioning System (GPS) Modernization.
- Prioritize current and planned GPS capabilities and services while assessing future PNT architecture alternatives with a focus on affordability.
- Examine methods in which to Protect, Toughen, and Augment (PTA) access to GPS/Global Navigation Satellite Systems (GNSS) services in key domains for multiple user sectors.
- Review the potential benefits, perceived vulnerabilities, and any proposed regulatory constraints to accessing foreign Radio Navigation Satellite Service (RNSS) signals in the United States and subsequent impacts on multi-GNSS receiver markets.
- Explore opportunities for enhancing the interoperability of GPS with other emerging international GNSS.
- Examine emerging trends and requirements for PNT services in U.S. and international forums through PNT Board technical assessments, including back-up services for terrestrial, maritime, aviation, and space users.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2016–08142 Filed 4–8–16; 8:45 am]

BILLING CODE P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2016–026]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide agencies with mandatory instructions for what to do with records when agencies no longer need them for current Government business. The instructions authorize agencies to preserve records of continuing value in the National Archives of the United States and to destroy, after a specified period, records lacking administrative, legal, research, or other value. NARA publishes notice in the **Federal Register** for records schedules in which agencies propose to destroy records not previously

authorized for disposal or to reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: NARA must receive requests for copies in writing by May 11, 2016. Once NARA appraises the records, we will send you a copy of the schedule you requested. We usually prepare appraisal memoranda that contain additional information concerning the records covered by a proposed schedule. You may also request these. If you do, we will also provide them once we have completed the appraisal. You have 30 days after we send you these requested documents in which to submit comments.

ADDRESSES: You may request a copy of any records schedule identified in this notice by contacting Records Management Services (ACNR) using one of the following means:

Mail: NARA (ACNR); 8601 Adelphi Road; College Park, MD 20740–6001.

Email: request.schedule@nara.gov.

FAX: 301–837–3698.

You must cite the control number, which appears in parentheses after the name of the agency that submitted the schedule, and a mailing address. If you would like an appraisal report, please include that in your request.

FOR FURTHER INFORMATION CONTACT: Margaret Hawkins, Director, by mail at Records Management Services (ACNR); National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001, by phone at 301–837–1799, or by email at *request.schedule@nara.gov.*

SUPPLEMENTARY INFORMATION: Each year, Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. These schedules provide for timely transfer into the National Archives of historically valuable records and authorize disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media-neutral unless otherwise specified. An item in a schedule is media-neutral when an agency may apply the disposition instructions to records regardless of the medium in which it has created or maintains the records. Items included in schedules submitted to NARA on or after December 17, 2007, are media-neutral unless the item is specifically limited to a specific medium. (See 36 CFR 1225.12(e).)

Agencies may not destroy Federal records without the approval of the Archivist of the United States. The Archivist grants this approval only after thorough consideration of the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value.

In addition to identifying the Federal agencies and any subdivisions requesting disposition authority, lists the organizational unit(s) accumulating the records or lists that the schedule has agency-wide applicability (in the case of schedules that cover records that may be accumulated throughout an agency); provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction); and includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it also includes information about the records. You may request additional information about the disposition process at the addresses above.

Schedules Pending

1. Department of Agriculture, Farm Service Agency (DAA–0161–2015–0002, 1 item, 1 temporary item). Commodity Credit Corporation records consisting of master files of an electronic information system used to support the price support commodity loans and assistance program.

2. Department of Agriculture, Office of the General Counsel (DAA–0016–2016–0001, 4 items, 2 temporary items). Routine litigation case files and legal matters files. Proposed for permanent retention are significant files.

3. Department of the Army, Agency-wide (DAA–AU–2016–0025, 1 item, 1 temporary item). Records relating to chemical and biological product reliability including inspection and testing reports.

4. Department of the Army, Agency-wide (DAA–AU–2016–0026, 1 item, 1 temporary item). Master files of an electronic information system that contains logistics data on Army supplies and equipment.

5. Department of Defense, Defense Threat Reduction Agency (DAA–0374–2014–0008, 1 item, 1 temporary item). Copies of documents generated as part of a government-wide search for records relating to human research experiments.

6. Department of Defense, Defense Threat Reduction Agency (DAA–0374–2014–0031, 1 item, 1 temporary item). Records related to the distribution of controlled materials including requirements, allocation decisions and requests, allotments, return of controlled materials, and associated records.

7. Department of Defense, Defense Threat Reduction Agency (DAA–0374–2014–0034, 1 item, 1 temporary item). Records regarding quality control of manufactured products including inspection sheets, re-work reports, frequency distribution reports, and related materials.

8. Department of Defense, Defense Threat Reduction Agency (DAA–0374–2014–0039, 1 item, 1 temporary item). Records related to the preparation, approval, revision, and cancellation of standards.

9. Department of Defense, Defense Threat Reduction Agency (DAA–0374–2014–0042, 1 item, 1 temporary item). Records related to warehouse management including purchase, shipping, tracking, and delivery documents.

10. Department of Defense, National Security Agency (DAA–0457–2016–0002, 2 items, 2 temporary items). Records of the Ombudsman program, including case files and statistical reports.

11. Department of Health and Human Services, Centers for Medicare & Medicaid Services (DAA–0440–2016–0002, 1 item, 1 temporary item). Records related to emergency health care services including enrollment and provider records, claims, and reports.

12. Department of Homeland Security, Bureau of Customs and Border Protection (DAA–0568–2015–0005, 5 items, 5 temporary items). Records related to managing laboratory samples and controlled substances, including testing and reviewing procedures, equipment, and staff credentials.

13. Department of the Navy, Agency-wide (DAA–NU–2015–0002, 18 items, 13 temporary items). Records related to telecommunications and information technology including program planning and management, data standardization, general correspondence, routine communications traffic, and related

materials. Proposed for permanent retention are records on policy, communications centers, equipment planning, information loss, and the Extremely Low Frequency Program.

14. Department of the Navy, United States Marine Corps (DAA–0127–2015–0002, 3 items, 3 temporary items). Master files of an electronic information system used to manage fire protection and emergency service programs on Marine installations, including personnel records, training records, equipment inventories, and inspection reports.

15. Department of the Navy, United States Marine Corps (DAA–0127–2015–0013, 2 items, 2 temporary items). Master files of an electronic information system used to manage and analyze collected electronic imagery of terrain for commands in the field.

16. Department of the Navy, United States Marine Corps (DAA–0127–2015–0014, 3 items, 3 temporary items). Master files of an electronic information system used to identify individuals who may pose a threat to Marine commands in the field.

17. Department of State, Bureau of International Security and Nonproliferation (DAA–0059–2014–0026, 4 items, 3 temporary items). Records of the Office of Export Control Cooperation including routine administrative and program files, research materials, working files, and training files. Proposed for permanent retention are files relating to conferences sponsored by the office.

18. Environmental Protection Agency, Agency-wide (DAA–0412–2013–0019, 2 items, 1 temporary item). Records documenting activities of senior agency officials to include routine program management and project files. Proposed for permanent retention are substantive senior agency official records including speeches, presentations, congressional and expert testimony, correspondence, and meeting files.

Dated: April 5, 2016.

Laurence Brewer,

Director, Records Management Operations.

[FR Doc. 2016–08251 Filed 4–8–16; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities; Proposed Collections; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice and request for comment.

SUMMARY: NCUA, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on these reinstatements of previously approved collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35).

DATES: Comments should be received on or before June 10, 2016 to be assured consideration.

ADDRESSES: Interested persons are invited to submit written comments on the information collection to Troy Hillier, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428; Fax No. 703–519–8595; or Email at *PRAComments@NCUA.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the address above.

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0039.

Title: Borrowed Funds from Natural Persons, 12 CFR 701.38.

Abstract: Section 701.38 of the NCUA regulations grants federal credit unions the authority to borrow funds from a natural person as long as they maintain a signed promissory note which includes the terms and conditions of maturity, repayment, interest rate, method of computation and method of payment; and the promissory note and any advertisements for borrowing have clearly visible language stating that the note represents money borrowed by the credit union and does not represent shares and is not insured by the National Credit Union Insurance Fund (NCUSIF). NCUA will use this information to ensure a credit union's natural person borrowings are in compliance and address all regulatory and safety and soundness requirements.

Type of Review: Reinstatement without change of a previously approved collection.

Affected Public: Private sector: not-for-profit institutions.

Estimated No. of Respondents: 187.

Estimated No. of Responses per Respondent: 2.

Estimated Burden Hours per Response: 2.5.

Estimated Total Annual Burden Hours: 935.

OMB Number: 3133–0125.

Title: Appraisals, 12 CFR part 722.

Abstract: NCUA Regulation part 722 implements a statutory requirement that appraisals used in real estate transactions be made in writing and meet certain standards. This collection of information is associated with the requirement that credit unions retain a copy of the written assessment for real estate transactions over $250,000. Each federally insured credit union uses the information in determining whether and upon what terms to enter into a federally related transaction, such as making a loan secured by real estate. In addition, NCUA uses this information in its examinations of federally insured credit unions to ensure that extensions of credit by the federally-insured credit union that are collateralized by real estate are undertaken in accordance with appropriate safety and soundness principles.

Type of Review: Reinstatement without change of a previously approved collection.

Affected Public: Private sector; not-for-profit institutions.

Estimated No. of Respondents: 4,000.

Estimated No. of Responses per Respondent: 280.

Estimated Burden Hours per Response: 0.25.

Estimated Total Annual Burden Hours: 280,000.

OMB Number: 3133–0140.

Title: Secondary Capital for Low-Income Designated Credit Unions.

Abstract: Section 701.34 (b) of NCUA's regulations provide that designated low income credit unions (LICU) may accept secondary capital under certain conditions. This collection of information is necessary to obtain the information needed to ensure compliance with requirements related to acceptance and management of secondary capital. For those LICUs wishing to exercise their option to access secondary capital, NCUA requires that credit unions accepting secondary capital must develop and submit a plan for its acquisition, use and repayment. The information is used by NCUA to determine if the secondary capital will be managed by the credit union without risk to its financial condition, the U.S. government or the National Credit Union Share Insurance Fund.

Type of Review: Reinstatement without change of a previously approved collection.

Affected Public: Private sector; not-for-profit institutions.

Estimated No. of Respondents: 72.

Estimated No. of Responses per Respondent: 1.

Estimated Burden Hours per Response: 15.92.

Estimated Total Annual Burden Hours: 1,146.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) Whether the collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of the information on the respondents, including the use of automated collection techniques or other forms of information technology.

By Gerard Poliquin, Secretary of the Board, the National Credit Union Administration, on April 6, 2016.

Dated: April 6, 2016.

Dawn D. Wolfgang,

NCUA PRA Clearance Officer.

[FR Doc. 2016–08224 Filed 4–8–16; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL SCIENCE FOUNDATION

Wireless Spectrum Sharing: Enforcement Frameworks, Technology, and R&D Workshop

AGENCY: The National Coordination Office (NCO) for Networking and Information Technology Research and Development (NITRD).

ACTION: Notice.

SUMMARY: This workshop will focus on spectrum sharing enforcement issues and will provide a forum for information exchange and the identification of relevant research and development opportunities.

DATES: May 5, 2016.

FOR FURTHER INFORMATION CONTACT: Wendy Wigen at 703–292–4873 or *wigen@nitrd.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Registration: The event has a limited capacity and registration must be received in advance to be admitted to the facility. No onsite registration will be available. Registration will end on April 25, 2016 or when we reach capacity. However, the event will be webcast and the video will be available after the event. Further information, including registration and links to the webcast are available at: *https://www.nitrd.gov/nitrdgroups/index.php?title=WSRD_Workshop_VIII_-_Wireless_Spectrum_Sharing.*

Overview: Enforcement needs for wireless spectrum sharing extends well beyond just the enforcement of usage rights (*i.e.* interference protection). A complete enforcement regime (1) should explicitly recognize that enforcement requirements are bi-lateral (*i.e.,* apply to the primary user as well as the secondary user), and (2) should also include the collective action rights—which encompass management rights (determining which users get to transmit when), exclusion rights (who gets to transmit at all) and alienation rights (who gets to sell the resource). To support a dynamic spectrum sharing environment, consistent and sustainable technology mechanisms are needed to monitor, detect, evaluate or adjudicate, classify, inform, and enforce compliance of the enforcement regime. Enforcement frameworks can rely on central architectures based on data clouds or device level distributed architectures, or a combination of both. This may entail adopting new standards or developing automated enforcement mechanisms and compliance certification methods for next-generation technologies to support the enforcement regime. Other issues to be considered include enforcement-related privacy and security issues, and the economic tradeoffs in ex ante and ex post enforcement mechanisms. The main goals of this workshop are to:

- Outline the wireless spectrum sharing enforcement needs, scenarios and issues for the short-term and long-term, from multiple perspectives.
- Discuss the architectural, economic, regulatory and business frameworks that can deliver enforcement solutions.
- Identify innovative tools, techniques and database requirements for additional research.
- Develop ideas for advanced R&D to help inform WSRD recommendations to the OSTP.

Background: This workshop series stems from the Presidential memorandum issued on June 14, 2013, *Expanding America's Leadership in Wireless Innovation* and has focused on ways to make more wireless spectrum available by encouraging shared access by commercial and Federal users. As with any sharing environment, such as the way aircraft share airspace or vehicles share the roads, underlying enforcement principles for spectrum sharing are critical. Industry and government innovators agree that enforcement is a necessary component for any dynamic spectrum sharing environment to be meaningful and effective.

Submitted by the National Science Foundation for the National Coordination Office (NCO) for Networking and Information Technology Research and Development (NITRD) on April 5, 2016.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2016–08192 Filed 4–8–16; 8:45 am]

BILLING CODE 7555–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77526; File No. SR–BatsEDGX–2016–05]

Self-Regulatory Organizations; Bats EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Its Equity Options Platform

April 5, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 31, 2016, Bats EDGX Exchange, Inc. (the "Exchange" or "EDGX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule applicable to Members[5] and non-members of the Exchange pursuant to EDGX Rules 15.1(a) and (c).

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term "Member" is defined as "any registered broker or dealer that has been admitted to membership in the Exchange." *See* Exchange Rule 1.5(n).

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fee schedule ("Fee Schedule") for its equity options platform ("EDGX Options") to add the definitions of "Appointed MM" and "Appointed OEF", effective April 1, 2016, which would increase opportunities for firms to qualify for tiered pricing on EDGX Options. Specifically, the Exchange proposes to allow a Market Maker to designate an Order Entry Firm ("OEF") as its "Appointed OEF" and for an OEF to designate a Market Maker as its "Appointed MM," for purposes of the Fee Schedule. Members of EDGX Options would effectuate such designation by completing and sending an executed Volume Aggregation and Execution Detail Request form by email to the Exchange.[6] As specified in the proposed Fee Schedule, the Exchange would view the transmittal of the completed form as acceptance of such an appointment.[7] The proposed new concepts would be applicable to all tiered pricing offered by the Exchange, and are designed to increase opportunities for firms to qualify for such tiers.

The Exchange currently offers tiers as described in the footnotes section of the Fee Schedule. Under the current tiers, Members that achieve certain volume criteria may qualify for reduced fees or enhanced rebates for Customer[8] and Market Maker[9] orders. In connection with such tiers, the Exchange calculates on a monthly basis a Member's ADV[10] in Customer orders and Market Maker orders, respectively, as a percentage of average TCV.[11] Upon reaching a volume threshold that qualifies a Member for a specified tier, a Member receives the enhanced rebate or reduced fee associated with the highest tier achieved for each eligible contract executed on the Exchange. Under the Exchange's current Fee Schedule, a Member is permitted to aggregate volume with other Members that control, are controlled by, or are under common control with such Member. Thus, Members that act as OEFs with affiliated broker-dealers that are Market Makers on the Exchange, and vice-versa, may be able to qualify for certain pricing incentives offered by the Exchange based on such affiliation and aggregation.

The proposal would be available to all Market Makers and OEFs. Specifically, the proposed changes would enable any Market Maker to qualify an Appointed OEF for purposes of volume-based tiers on the Exchange. In this regard, the proposed change would enable a Market Maker without an affiliated OEF—or with an affiliated OEF that doesn't meet the volume requirements for tiered pricing—to enter into a relationship with an Appointed OEF. Similarly, as proposed, an OEF, by virtue of designating an Appointed MM, would be able to aggregate its own Customer volume with the activity of its Appointed MM, which would enhance the OEF's potential to qualify for tiered pricing.[12]

Thus, the proposed changes would enable firms that may not currently be eligible for tiered pricing incentives to avail themselves of such incentives as well as to assist firms that are currently eligible for such incentives to potentially achieve a higher tier, thus qualifying for higher rebates or reduced fees. The Exchange believes these proposed changes would incentivize firms to direct their order flow to the Exchange to the benefit of all market participants. Further, the Exchange believes that the proposed changes would encourage Market Maker firms to increase their participation on the Exchange, which would increase capital commitment and liquidity on the Exchange to the benefit of all market participants.

As proposed, the Exchange would only process one designation of an Appointed OEF and Appointed MM per year, which designation would remain in effect unless or until the parties informed the Exchange of its termination.[13] The Exchange believes that this requirement would impose a measure of exclusivity and would enable both parties to rely upon each other's transaction volumes executed on the Exchange, and potentially increase such volumes, which is beneficial to all Exchange participants.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.[14] Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[15] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using any facility or system which the Exchange operates or controls.

The Exchange believes that its proposed fees and rebates are reasonable, fair and equitable, and non-discriminatory for the following reasons. First, the proposal would be available to all Market Makers and OEFs and the decision to be designated as an "Appointed OEF" or "Appointed MM" is completely voluntary and Members may elect to accept this appointment or not. In addition, the proposed changes would enable firms that are not currently eligible for tiered pricing to avail themselves such pricing as well as to assist firms that are currently eligible for such tiers to potentially achieve a higher tier, thus qualifying for higher rebates or lower fees. The Exchange believes these proposed changes would incentivize firms to direct their order flow to the Exchange. Specifically, the proposed changes would enable any Market Maker to qualify its Appointed OEF for purposes of tiered pricing. Moreover, the proposed change would allow any OEF, by virtue of designating an Appointed MM, to aggregate its own Customer volume with the activity of its Appointed MM, which would enhance the OEF's potential to qualify for enhanced rebates or reduced fees. The Exchange believes these proposed changes would incentivize Appointed OEFs with an Appointed MM to direct their order flow to the Exchange, which increase in orders routed to the Exchange would benefit all market participants by expanding liquidity and providing more trading opportunities on the Exchange. Similarly, the Exchange believes these proposed changes would incentivize Appointed MMs with an Appointed OEF to increase their participation on the Exchange, which would increase capital commitment and liquidity and decrease spreads on the Exchange to the benefit of all market participants. The Exchange believes that, similar to volume based tiers offered by the Exchange, the benefits of the proposal extend to all market participants based on the increased quality of liquidity on the Exchange, including those market participants that opt not to become an Appointed OEF or Appointed MM.

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[6] *See* proposed language for "Designating an Appointed OEF/Appointed MM" under "Definitions" section of the Fee Schedule. Members should direct their executed forms to *membershipservices@bats.com.*

[7] The Exchange further notes that, as proposed, the Exchange would only recognize one such designation for each party once every 12 months, which designation would remain in effect unless or until the Exchange receives written notice from either party indicating that the appointment has been terminated. *Id.*

[8] The term "Customer" applies to any transaction identified by a Member for clearing in the Customer range at the Options Clearing Corporation ("OCC"), excluding any transaction for a Broker Dealer or a "Professional" as defined in Exchange Rule 16.1.

[9] The term "Market Maker" applies to any transaction identified by a Member for clearing in the Market Maker range at the OCC, where such Member is registered with the Exchange as a Market Maker as defined in Rule 16.1(a)(37).

[10] "ADV" means average daily volume calculated as the number of contracts added or removed, combined, per day.

[11] "TCV" means total consolidated volume calculated as the volume reported by all exchanges to the consolidated transaction reporting plan for the month for which the fees apply, excluding volume on any day that the Exchange experiences an Exchange System Disruption and on any day with a scheduled early market close.

[12] An OEF that has both an Appointed MM and an affiliated Market Maker may only aggregate volumes with one of these two, not both. Specifically, the Exchange proposes to specify in the definitions section that that "[w]ith prior notice to the Exchange, a Member may aggregate ADAV or ADV with other Members that control, are controlled by, or are under common control with such Member *or* who have been appointed as an Appointed OEF or Appointed OEF." *See* proposed Fee Schedule, "Definitions", emphasis added.

[13] *See supra,* note 7.

[14] 15 U.S.C. 78f.

[15] 15 U.S.C. 78f(b)(4).

Further, the Exchange believes that the proposal is reasonable and equitably allocated because it is beneficial to all Exchange participants based on the fact that it enables parties to rely upon each other's transaction volumes executed on the Exchange, and potentially increase such volumes. In turn, as above, the potential increase in order flow, capital commitment and resulting liquidity on the Exchange would benefit all market participants by expanding liquidity, providing more trading opportunities and tighter spreads. The proposal is also reasonable, equitable and not unfairly discriminatory because the Exchange would only process one designation of an Appointed OEF and Appointed MM per year, which requirement would impose a measure of exclusivity while allowing both parties to rely upon each other's transaction volumes executed on the Exchange, and potentially increase such volumes, again, to the benefit of all market participants. Finally, the Exchange believes the proposal is reasonable, equitable and not unfairly discriminatory as it may encourage an increase in orders routed to the Exchange, which would expand liquidity and provide more trading opportunities and tighter spreads to the benefit of all market participants, even to those market participants that are either currently affiliated by virtue of their common ownership or that opt not to become an Appointed OEF or Appointed MM under this proposal.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed amendments to its fee schedule would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed changes are pro-competitive as they would increase opportunities for firms to qualify for tiered pricing on the Exchange, which may increase intermarket and intramarket competition by incenting participants to direct their orders to the Exchange thereby increasing the volume of contracts traded on the Exchange and enhancing the quality of quoting. Enhanced market quality and increased transaction volume that results from the anticipated increase in order flow directed to the Exchange would benefit all market participants and improve competition on the Exchange. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and rebates to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[16] and paragraph (f) of Rule 19b–4 thereunder.[17] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BatsEDGX–2016–05 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BatsEDGX–2016–05. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public

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[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f).

Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BatsEDGX–2016–05 and should be submitted on or before May 2, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–08185 Filed 4–8–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77527; File No. SR–CHX–2016–04]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Rules of the Exchange Related to Market Makers

April 5, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 [2] thereunder, notice is hereby given that on March 30, 2016, the Chicago Stock Exchange, Inc. ("CHX" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CHX proposes to amend the Rules of the Exchange ("CHX Rules") related to Market Makers. CHX has designated this proposed rule change as non-controversial pursuant to Section 19(b)(3)(A) [3] of the Act and Rule 19b–4(f)(6) [4] thereunder and has provided the Commission with the notice required by Rule 19b–4(f)(6)(iii).[5]

The text of this proposed rule change is available on the Exchange's Web site at (*www.chx.com*) and in the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CHX included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CHX has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

1. Purpose

The Exchange proposes to amend various CHX Rules related to Market Makers. The proposed rule change primarily addresses Market Maker application, registration and securities assignment procedures. Specifically, the Exchange proposes to consolidate and/or clarify certain rules under Article 16 (Market Makers); to adopt new rules under Article 16 that are similar to rules of other national securities exchanges; to make corresponding amendments to various CHX Rules impacted by the proposed amendments to Article 16; and to make other clarifying amendments throughout the CHX Rules, as described below. Notwithstanding the proposed amendments, the Exchange proposes to largely maintain the current requirements regarding Market Maker responsibilities (Article 16, Rule 8); limitation on dealings (Article 16, Rule 9); and reporting of positions (Article 16, Rule 10).

Current Article 16 (Market Makers)

Current Article 16 consists of the following rules:

- Rule 1. Registration and Appointment
- Rule 2. Initial Registration of Market Makers
- Rule 3. Approval by the Exchange
- Rule 4. Temporary Appointment of Market Maker
- Rule 5. Identification of Securities Traded as Market Maker
- Rule 6. Voluntary De-Registration as Market Maker
- Rule 7. Involuntary De-Registration as Market Maker
- Rule 8. Responsibilities
- Rule 9. Limitation on Dealings
- Rule 10. Reporting of Position Information

Currently, a Participant may act as a Market Maker in a particular security only if it has registered with, and been approved by, the Exchange to act in that capacity, and is in good standing.[6] A Participant who wishes to register as a Market Maker must complete a Market Maker application,[7] which will be reviewed by the Exchange.[8]

The Exchange will announce the names of all successful Participant applicants.[9] However, if the Exchange denies a Participant's Market Maker application, it will provide the Participant with a summary of the Exchange's reasons for the denial.[10] A Participant may seek review of its denied Market Maker application.[11] The Exchange also reserves the right to expedite the Market Maker application process and appoint a Market Maker on a temporary basis.[12] A Participant's registration as a Market Maker may be -1- involuntarily terminated or suspended by the Exchange [13] or -2- voluntarily terminated at the request of Participant.[14]

Once approved, a Market Maker may then select securities in which it seeks to acts as Market Maker by notifying the Exchange in a manner prescribed by the Exchange.[15] Any decision to add or drop securities from its existing selection must be communicated to the Exchange no later than 9 a.m. on the trading day immediately preceding the date on which the change is to take effect, unless the Exchange permits a later date and/or time.[16] A Market Maker's decision to voluntarily add or drop securities from its existing selection are effective without approval; provided a Market Maker must seek prior Exchange approval for an initial request to trade more than 500 securities and each request to trade each increment of an additional 100 securities after that threshold is reached.[17] Except for temporary and/or partial de-registrations approved by the Exchange, a Market Maker may not re-select a security from which it voluntarily withdrew for twenty (20) calendar days after such withdrawal.[18] A Market Maker's assignment to one or more selected securities may be involuntarily terminated or suspended by the Exchange [19] or voluntarily terminated [20] or suspended at the request of the Participant.[21]

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[18] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] 17 CFR 240.19b–4(f)(6)(iii).

[6] *See* CHX Article 16, Rule 1(a).

[7] *See* CHX Article 16, Rule 2(b).

[8] *See* CHX Article 16, Rule 3.

[9] *See* CHX Article 16, Rule 2(d).

[10] *See id.*

[11] *See id.*

[12] *See* CHX Article 16, Rule 4.

[13] *See* CHX Article 16, Rule 7.

[14] *See* CHX Article 16, Rules 5 and 6.

[15] *See* CHX Article 16, Rule 5.

[16] *See id.*

[17] *See* paragraph .01 of CHX Article 16, Rule 5.

Also, a Market Maker may request that the Exchange approve one or more individuals as Market Maker Traders who would be authorized to enter bids and offers and execute transactions on behalf of a Market Maker.[22] Prior to the Exchange approving such a request, the prospective Market Maker Trader must successfully complete the Market Maker Exam, as well as meet the Exchange's general registration requirements for associated persons.[23]

In addition to the aforementioned registration procedures, a Market Maker has certain responsibilities, including quotation requirements and obligations,[24] limitation on dealings (including information barrier requirements) [25] and position reporting obligations.[26]

Proposed Article 16 (Market Makers)

The Exchange now proposes to reorganize Article 16 as follows:

- Proposed Rule 1. Registration of Market Makers
- Proposed Rule 2. Assignment of Securities to Market Makers
- Proposed Rule 3. Obligations of Market Maker Authorized Traders
- Proposed Rule 4. Obligations of Market Makers
- Proposed Rule 5. Limitation on Dealings of Market Makers
- Proposed Rule 6. Reporting of Position Information by Market Makers

In sum, proposed Rules 1–2 consolidate, restate, clarify and/or update current Rules 1–7, whereas proposed Rule 3 significantly expands the registration requirements for Market Maker Traders in a manner consistent with the rules of another national securities exchange, as described below. As such, the Exchange proposes to delete current Rules 1–7, but to reincorporate relevant provisions throughout amended Article 16. Moreover, proposed Rules 4–6 are largely identical to current Rules 8–10, with certain amendments.

Initially, the Exchange proposes to adopt two terms that are already in use throughout the CHX Rules, but are not currently defined. Proposed Article 1, Rule 1(tt) defines "Market Maker" as a Participant that is registered as a Market Maker pursuant to Article 16, Rule 1. Correspondingly, the Exchange proposes to amend various CHX Rules to capitalize the term "market maker" or "market makers." [27] Incidentally, the Exchange proposes to amend Article 11, Rule 3(e) to capitalize the term "institutional broker," as it is currently defined under Article 1, Rule 1(n).

The Exchange also proposes to replace all references to "Market Maker Trader" and "MMT" throughout CHX Rules with the terms "Market Maker Authorized Trader" and "MMAT," [28] respectively, which are currently used by other national securities exchanges.[29] Proposed Article 1, Rule 1(uu) defines MMAT as an individual trader authorized to enter bids and offers and execute transactions on behalf of a Market Maker and requires that an MMAT be registered with the Exchange pursuant to current Article 6 and proposed Article 16, Rule 3. The proposed definition is a restatement of current paragraph .01 under Article 16, Rule 1.[30]

Proposed Article 16, Rule 1 (Registration of Market Makers)

Proposed Article 16, Rule 1 is largely a restatement of the current application procedure for a Participant to become registered [31] as a Market Maker, with some minor changes to harmonize with similar procedures of other national securities exchanges.[32] Specifically, proposed Rule 1(a) provides as follows:

Application process. A Participant may only act as a Market Maker in a particular security if it is properly registered as a Market Maker, assigned to securities and remains in good standing pursuant to this Article 16. A Participant that wishes to register as a Market Maker shall file an application in writing on such form as the Exchange may prescribe. Applications shall be reviewed by the Exchange, which shall consider such factors including, but not limited to, the Participant's capital, operations, personnel, technical resources and disciplinary history.

Notably, proposed Rule 1(a):

- Consolidates and simplifies current Article 16, Rules 1(a), 2(b), 2(c) and 3 [33] concerning the Market Maker application requirements by utilizing broader language that contemplates the current requirements; [34]
- is similar to BYX Rule 11.5(a) in that both rules would require applications be in writing on a form prescribed by the exchange and provide identical factors to be considered by the exchanges in reviewing such applications, except that under CHX Rules, the language requiring that Market Makers maintain minimum net capital in compliance with Rule 15c3–1 under the Exchange Act [35] may be found under proposed Article 16, Rule 4(e); and
- omits language under current Article 16, Rule 2(b) requiring the applicant to indicate the number of securities in which it wants to make a market, as that requirement is more accurately a part of the securities assignment process, described under proposed Rule 2.[36]

Proposed Rule 1(b) provides as follows:

Approval of application. In the event a Participant's application to become a

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[18] *See* paragraph .02 of CHX Article 16, Rule 5.

[19] *See* CHX Article 16, Rule 7.

[20] *See* CHX Article 16, Rules 5 and 6.

[21] *See* paragraph .01 of CHX Article 16, Rule 6.

[22] *See* paragraph .01 of CHX Article 16, Rule 1.

[23] *See generally* CHX Article 6.

[24] *See* CHX Article 16, Rule 8.

[25] *See* CHX Article 16, Rule 9.

[26] *See* CHX Article 16, Rule 10.

[27] *See* amended CHX Article 9, Rule 23(b); amended CHX Article 11, Rule 3(e); proposed Article 16, Rule 4(d)(2)(A) and (B); proposed CHX Article 16, Rule 4(e)–(f); proposed CHX Article 16, Rule 5(a)–(d); and proposed CHX Article 16, Rule 6.

[28] *See* amended CHX Article 1, Rule 1(s); amended CHX Article 3, Rule 2(a); amended paragraph .01(b) of CHX Article 6, Rule 3; amended CHX Article 6, Rule 6; proposed paragraph .02 of CHX Article 16, Rule 5.

[29] *See* BYX Rule 11.6; *see also* NYSEArca Equities Rule 7.21.

[30] The portion of current paragraph .01 of Article 16, Rule 1 prohibiting an MMT from also being registered as an Institutional Broker Representative is restated under proposed Article 16, Rule 3(b)(6).

[31] In the context of proposed Article 16, the Exchange proposes to utilize the term "registered" in reference to either a Participant's general registration as a Market Maker or an MMAT's registration with a Market Maker. Currently, the term "registered" is also used in the context of securities assigned to a Market Maker. For clarity, the Exchange now proposes to refer to such securities as being "assigned" to Market Makers.

[32] Incidentally, the Exchange proposes to amend current CHX Article 12, Rule 8(h)(1) to update the cross-reference to CHX Article 16, Rule 1 and to adopt an additional cross-reference to proposed CHX Article 16, Rule 3 regarding the Registration of Market Maker Authorized Traders, as the Exchange proposes to break out rules regarding Market Maker Authorized Traders under proposed CHX Article 16, Rule 3, as discussed below. The Exchange propose to make a corresponding cross-reference amendment to the Minor Rule Violation Plan chart under the CHX Fee Schedule.

[33] Current paragraph .01 of Article 16, Rule 3 has been restated as proposed paragraph .01 of Article 16, Rule 2, as discussed below.

[34] While the factors listed under current Article 16, Rule 3 and proposed Article 16, Rule 1(a) largely overlap, current Article 16, Rule 3, in some respects, provide more detailed and/or different factors than those stated under proposed Article 16, Rule 1(a).

[35] 17 CFR 240.15c3–1.

[36] *See supra* note 31.

Market Maker has been approved by the Exchange, Participant's registration as a Market Maker shall become effective upon receipt by the Participant of a notice of approval by the Exchange. Thereafter, a Market Maker shall only be permitted to make markets in securities to which it has been assigned, pursuant to Rule 2 below.

Notably, proposed Rule 1(b):

- Is similar to BYX Rule 11.5(b) regarding the effectiveness of an approval of a Market Maker application, as both rules require that an applicant's registration shall become effective upon receipt by the applicant of a notice of approval by the exchange.
- omits language under current Article 16, Rule 2(d) providing that a list of successful applicants would be announced by the Exchange, as the Exchange does not propose to continue this practice moving forward; and
- clarifies that the process of registering as a Market Maker is distinct from the process for assignment of securities to Market Makers, which is detailed under amended Rule 2.[37]

Proposed Rule 1(c) provides as follows:

Denial of application. In the event a Participant's application to become a Market Maker has been denied by the Exchange, the Exchange shall communicate the denial in writing to Participant, which will include a summary of the Exchange's reasons for the denial. An unsuccessful Participant applicant may seek review of the Exchange's decision pursuant to this paragraph (c) under the provisions of Article 15.[38]

Notably, proposed Rule 1(c):

- Restates the portion of current Article 16, Rule 2(d) addressing the denial of a Market Maker application.

Proposed Rule 1(d) provides as follows:

Suspension or termination of registration. The Exchange may suspend, terminate or otherwise limit a Participant's registration as a Market Maker upon a determination of any substantial or continued failure by the Market Maker to engage in dealings in accordance with Rule 4 below or failure to meet any other obligations as set forth in CHX Rules. Nothing in this paragraph (d) will limit any other power of the Exchange to discipline a Participant pursuant to CHX Rules.

A Participant may terminate its status as a Market Maker voluntarily by completing the appropriate form and submitting it to the Exchange. A Participant that terminates its status as a Market Maker that wishes to re-register as a Market Maker must submit a new application pursuant to paragraph (a) above.

A Participant whose Market Maker registration has been involuntarily suspended, terminated or otherwise limited pursuant to this paragraph (d) may seek review under the provisions of Article 15.

The Exchange may involuntarily withdraw a Participant from one or more assigned securities pursuant to Rule 2(e) below without suspending or terminating the Participant's registration as a Market Maker pursuant to this paragraph (d).

Notably, proposed Rule 1(d):

- Restates current Article 16, Rule 1(b), current Article 16, Rules 6 (Voluntary De-Registration as Market Maker) and 7 (Involuntary De-Registration as Market Maker), while clarifying that the Exchange may terminate a Participant's registration as a Market Maker pursuant to the Participant's failure to meet any of its obligations as set forth in CHX Rules generally in addition to any failure to meet Market Maker specific obligations provided under Article 16;
- restates current Article 15, Rule 1(a)(3) that a Participant whose Market Maker registration that has been involuntarily cancelled by the Exchange may review such a decision pursuant to current Article 15; and
- clarifies that the Exchange also has the power to involuntarily withdraw a Participant from one or more assigned securities pursuant to proposed Rule 2(e), discussed below, without affecting Participant's general status as a Market Maker, which is currently implied by current Article 16, Rule 7.[39]

Proposed Rule 1(e) provides as follows:

Emergency registration and/or assignment. Where emergency circumstances require the expedited registration of a Market Maker and/or assignment of securities thereto, the Exchange may make such registrations and/or assignments of securities on a temporary basis, at the Exchange's discretion, in the interests of maintaining fair and orderly markets.

Notably, proposed Rule 1(e):

- Restates current Article 16, Rule 4 (Temporary Appointment of Market Maker), with a clarification that the Exchange's authority includes both the ability to temporarily register Participants as Market Makers and temporarily assign securities to Market Makers.[40]

Proposed Rule 1(f) provides as follows:

Market Maker as dealer. A Market Maker is designated as a dealer for all purposes under the Exchange Act and the rules and regulations thereunder. Market Makers may trade only on a proprietary basis and may not handle any agency orders, subject to Rule 5 below. A Market Maker shall establish at least one separately designated CHX Market Maker Trading Account through which all and only market making activities in securities assigned to the Market Maker shall originate. To the extent that a Participant wishes to act as a Market Maker and also handle orders from customers, it must create and strictly enforce information barrier procedures pursuant to Rule 5 below. Since Exchange-registered Market Makers are not permitted to handle agency orders, the Matching System will reject any cross orders that originate from a CHX Market Maker Trading Account.

Notably, proposed Rule 1(f):

- Restates and updates current Article 16, Rule 1(c) and paragraph. 02 thereunder, with a clarification that a Market Maker shall conduct all and only market making activities through one or more CHX Market Maker Trading Accounts.

Proposed CHX Article 16, Rule 2 (Assignment of Securities to Market Makers)

Proposed Article 16, Rule 2 is a restatement of the current procedures for the assignment of securities to Market Makers with some minor changes to harmonize with similar procedures of other national securities exchanges.[41] Specifically, proposed Rule 2(a) provides as follows:

Assignment of securities. The Exchange will post on its Web site a list of all issues that are, or soon will be, trading on the Exchange and that are available for assignment to a Market Maker. Prior to beginning any market making activities in a security on the Exchange, Market Maker shall communicate its selected securities and the date on which the Market Maker intends to begin market making activities in the selected securities ("effective date"), to the Exchange in writing, on a form prescribed by the Exchange, by no later than 9 a.m. on the trading day immediately preceding the effective date; provided the Exchange may, at its discretion, (1) delay the assignment date in one or more selected securities; and/or (2) deny assignment in one or more selected securities.

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[37] *Id.*

[38] Correspondingly, the Exchange proposes to amend Article 15, Rule 1(a) to eliminate specific cross-references to various CHX Rules and to replace such cross-references with language providing that decisions that may be reviewed pursuant to Article 15 shall be noted in the relevant CHX rule.

[39] Current CHX Article 16, Rule 7 permits the Exchange to, among other things, "limit" a Market Maker's registration. One way a Market Maker's registration could be limited would be for the Exchange to involuntarily withdraw a Market Maker from certain securities, but otherwise permit the Market Maker to continue making markets in other securities to which it is registered.

[40] *See supra* note 31.

[41] *Id.*

In the event the Exchange delays and/or denies assignment of securities pursuant to paragraph (a)(1) and/or (2) above, the Exchange shall notify the Market Maker in writing of such action(s). If the Exchange does not delay and/or deny assignment of securities pursuant to paragraph (a)(1) and/or (2) above, the selected securities shall be deemed assigned to the Market Maker as of the relevant effective date(s); provided prior written approval of assignment by the Exchange shall be required for –1– a Market Maker's initial selection of 500 or more securities or –2– each request to add 100 or more securities if the Market Marker is already assigned 500 securities.

Notably, proposed Rule 2(a):

- Restates the portion of paragraph .01 of current Article 16, Rule 1 providing that a Participant may seek registration as a Market Maker in an issue; and
- restates current Article 16, Rule 5 and paragraph .01 thereunder, while clarifying that written approval of selected securities by the Exchange prior to assignment is not always required, as the assignment of securities to a Market Maker that does not meet the numerical thresholds of current Rule 5 and proposed Rule 2(a) could be effected without prior Exchange approval, and that the Exchange has the power to delay or deny assignment of securities, which is implied by current Article 16, Rules 2 and 3.[42]

Proposed Rule 2(b) provides as follows:

Relevant factors. In considering whether to deny, delay and/or approve the assignment of securities pursuant to paragraph (a) above, the Exchange may consider, among other things, the:

(1) Financial resources available to the Market Maker;

(2) Market Maker's experience, expertise and past performance in making markets, including the Market Maker's performance in other securities;

(3) Market Maker's operational capability;

(4) Maintenance and enhancement of competition among Market Makers in each security in which they are registered;

(5) Existence of satisfactory arrangements for clearing the Market Maker's transactions; and

(6) Character of the market for the security, *e.g.,* price, volatility, and relative liquidity.

Notably, proposed Rule 2(b):

- Is similar to current BYX Rule 11.7(a), in that both rules articulate the same factors that may be considered by the exchange in considering the assignment of securities to Market Makers, except that unlike BYX, the Exchange has a different Market Maker securities selection process, which is described under proposed Article 16, Rule 2(a).

Proposed CHX Article 16, Rule 2(c) provides that:

Voluntary withdrawal in assigned securities. A Market Maker may voluntarily withdraw from an assigned security by providing the Exchange with written notice of such withdrawal, which must be received by the Exchange no later than 9 a.m. on the trading day immediately preceding the date on which the change is to take effect or as otherwise permitted by the Exchange. The Exchange may place such other conditions on voluntary withdrawal and subsequent reassignment of a security following withdrawal as it deems appropriate in the interests of maintaining fair and orderly markets.

A Market Maker that voluntarily withdraws in a security may not make markets in that security for twenty (20) calendar days. A Market Maker that fails to give advanced written notice of voluntary withdrawal to the Exchange may be subject to formal disciplinary action.

The Exchange may terminate a Participant's registration as a Market Maker, pursuant to Rule 1(d) above if a Market Maker voluntarily withdraws from all of its assigned securities.

Notably, proposed Rule 2(c):

- Restates the portion of current Article 16, Rule 5 that addresses the removal of securities from a Market Maker's selection of securities;
- restates paragraph .02 of current Article 16, Rule 5 regarding the twenty (20) calendar days re-assignment prohibition period after voluntary withdrawal from the security;
- restates current Article 16, Rule 6 by permitting the Exchange to terminate a Participant's registration as a Market Maker if it is not assigned to any securities pursuant to proposed Article 16, Rule 1(d); and
- is similar to BYX Rule 11.7(b) with respect to following proposed provisions:
  - Market Maker may voluntarily withdraw with prior written notice.
  - The Exchange may place other conditions as it deems appropriate in the interests of maintaining fair and orderly markets.
  - Failure to give advanced written notice of voluntary withdrawal to the Exchange may result in Market Maker being subject to formal disciplinary action.

Proposed Rule 2(d) provides as follows:

Temporary withdrawal in assigned securities. A Market Maker may receive Exchange approval for a temporary withdrawal as a Market Maker in one or more securities in the following circumstances:

(1) Software, hardware, connectivity or other problems interfere with the Market Maker's ability to appropriately send bids or offers to the Exchange or otherwise act as a Market Maker;

(2) Legal or regulatory considerations temporarily prevent the Participant from acting as a Market Maker in an assigned security; or

(3) Other circumstances, including, but not limited to, those that are beyond a Market Maker's control or that interfere with the Participant's ability to act as a Market Maker in an assigned security.

Each request for a temporary withdrawal by a Market Maker must be made in writing in a form prescribed by the Exchange and, whenever practicable, must be made prior to the condition that causes a Market Maker to be unable to continue in that role. The Exchange may grant a request for a temporary withdrawal for up to sixty (60) days, which may be extended by the Exchange at its discretion.

A Participant that was denied a temporary withdrawal pursuant to this paragraph (d) may seek review under the provisions of Article 15.

Notably, proposed Rule 2(d):

- Is virtually identical to paragraph .01 of current Article 16, Rule 6, with the clarification that a Participant that is denied a temporary withdrawal pursuant to this paragraph (d) may seek review under the provisions of Article 15.

Proposed Rule 2(e) provides as follows:

Involuntary withdrawal in assigned securities. The Exchange may suspend or terminate a Market Maker's assignment to one or more securities whenever the Exchange determines that:

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[42] Current Article 16, Rule 2(d) provides procedures in the event the Exchange approves or denies a market maker registration application, whereas current Article 16, Rule 3 provides factors that the Exchange may consider when considering a market maker registration application, including the overall best interest of the Exchange. Thus, in light of these provisions, it logically flows that the Exchange may also delay approval of registration if, for example, the Exchange believes that such delay is in the best interest of the Exchange.

(1) Market Maker has not met any of its obligations as set forth under CHX Rules, including Rule 4 below; or

(2) Market Maker has failed to maintain fair and orderly markets.

A Participant whose assignment to one or more securities has been suspended or terminated pursuant to this paragraph (e) may seek review under the provisions of Article 15.

Notably, proposed Rule 2(e):

- Is virtually identical to BYX Rule 11.7(c), both of which permit the exchanges to involuntary withdraw Market Makers from assigned securities in the same manner; and
- clarifies the Exchange's implied authority under current Article 16, Rule 7 to involuntarily withdraw a Market Maker from a security.

Proposed paragraph .01 of proposed Article 16, Rule 2 provides as follows:

There may be more than one Market Maker assigned to a security traded on the Exchange. The Exchange may limit the number of Market Makers assigned to any security at its discretion.

Notably, proposed paragraph .01:

- Restates paragraph .01 of current Article 16, Rule 3, with a clarification that the Exchange may limit the number of Market Makers assigned to any security at its discretion.

Proposed CHX Article 16, Rule 3 (Obligations of Market Maker Authorized Traders)

Proposed Article 16, Rule 3 provides rules regarding obligations of MMATs and significantly expands the registration requirements for Market Maker Traders in a manner consistent with the rules of another national securities exchange. Generally, proposed Rule 3 restates paragraph .01 of current Article 16, Rule 1 and provides additional detail as to MMAT registration and obligations.[43] Specifically, proposed Rule 3 provides as follows:

(a) *General.* MMATs are permitted to enter orders only for the Market Maker Trading Account(s) of the Market Maker for which they are registered.

(b) *Registration of MMATs.* The Exchange may, upon receiving an application in writing from a Market Maker on a form prescribed by the Exchange, register a person as an MMAT, consistent with the following minimum requirements:

(1) MMATs may be officers, partners, employees or other associated persons of Participants that are registered with the Exchange as Market Makers pursuant to Rule 1 above.

(2) To be eligible for registration as a MMAT, a person must be registered with the Exchange as provided in Article 6 and complete any other training and/or certification programs as may be required by the Exchange.

(3) The Exchange may require a Market Maker to provide any and all additional information the Exchange deems necessary to establish whether registration should be granted.

(4) The Exchange may grant a person conditional registration as an MMAT subject to any conditions it considers appropriate in the interests of maintaining a fair and orderly market.

(5) A Market Maker must ensure that an MMAT is properly qualified to perform market making activities, including, but not limited to, ensuring the MMAT has met the requirements set forth under paragraph (b)(2) of this Rule.

(6) A person cannot be registered both as an MMAT and as an Institutional Broker Representative, as defined under Article 1, Rule 1(gg).

(c) Suspension or Termination of Registration.

(1) Pursuant to Article 13, Rule 2, the Exchange may suspend or terminate the registration previously given to a person to be an MMAT if the Exchange determines that the:

(A) Person has caused the Market Maker to fail to comply with the securities laws, rules and regulations or the Bylaws, Rules and procedures of the Exchange;

(B) person is not properly performing the responsibilities of an MMAT;

(C) person has failed to meet the conditions set forth under paragraph (b) above; or

(D) MMAT has failed to maintain fair and orderly markets.

(2) If the Exchange suspends or terminates the registration of an individual as an MMAT, the Market Maker must not allow the individual to submit orders into the Matching System.[44]

(3) The registration of an MMAT will be terminated upon the written request of the Participant for which the MMAT is registered. Such written request shall be submitted on a form prescribed by the Exchange.

Notably, proposed Rule 3 is substantively similar to BYX Rule 11.6, in that both rules set forth similar obligations of MMATs, except that:

- Under proposed paragraph (b)(2), the Exchange proposes to continue to require MMATs to be registered with the Exchange pursuant to current Article 6, which includes a requirement that an MMAT take and pass the Exchange-administered Market Maker Authorized Trader Exam, pursuant to paragraph .01(b) of Article 6, Rule 3;[45]
- under proposed paragraph (b)(6), an MMAT cannot be also registered as an Institutional Broker Representative, which is currently prohibited under paragraph .01 of current Article 16, Rule 1; and
- under proposed paragraph (c)(1), the Exchange's authority to suspend or terminate the registration of an MMAT is based on current CHX Article 13, Rule 2.[46]

Proposed CHX Article 16, Rule 4 (Obligations of Market Makers)

Proposed Article 16, Rule 4 is largely a restatement of current Article 16, Rule 8 (Responsibilities) with additional language clarifying general Market Maker obligations, except that the Exchange proposes to delete current Rule 8(c), which provides for heightened quoting and trading requirements, so as to be consistent with the rules of other national securities exchanges.[47] Specifically, proposed Rule 4(a) provides:

General. Market Makers in one or more securities traded on the Exchange must engage in a course of dealings for their own account to assist in the maintenance, insofar as reasonably practicable, of fair and orderly markets on the Exchange in accordance with CHX Rules. The responsibilities and duties of a Market Maker specifically include, but are not limited to, the following:

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[43] *See supra* note 32.

[44] Current CHX Article 13, Rule 2(c) permits an appeal of any decision made under Rule 2 pursuant to current CHX Article 15.

[45] Incidentally, the Exchange proposes to amend paragraph .01(b) of CHX Article 6, Rule 3 to harmonize with, and refer to, proposed CHX Article 16, Rule 3, which includes replacing the term "Market Maker Exam" with the more accurate "Market Maker Authorized Trader Exam," replacing the term "qualify" with "register" and clarifying that a Participant would request that an "individual" be registered as an MMAT, as an MMAT refers to a single individual. *See* CHX Article 1, Rule 1(s) defining "Participant."

[46] While current Article 13, Rule 2(a)(1) explicitly applies to, among others, associated persons of Market Makers and Institutional Brokers, the Exchange proposes to amend current Article 13, Rule 2(a)(1)(B) to clarify that the Exchange may suspend, limit or revoke the registration of an Institutional Broker Representative and Market Maker Authorized Trader for failure to perform its material duties.

[47] Current Rule 8(c) is a minimum performance standard for Market Makers that other national securities exchanges only apply to special subsets of Market Makers (known as Designated or Lead Market Makers depending on the exchange) that are eligible for special fees and rebates for meeting the minimum performance standard. *See e.g.,* NYSEArca Equities Rule 7.24(c), which limit the minimum performance standard to Designated Market Makers; *see also e.g.,* BATS Rule 11.8(e)(1)(D) and (e)(2). Since the Exchange's Market Maker program only includes regular Market Makers that do not receive any special financial incentives for meeting the special requirements of current Rule 8(c) and the rules of other national securities exchanges do not require regular Market Makers to meet similar performance standards in addition to the general quotation requirements and obligations consistent among the national securities exchanges, the Exchange proposes to eliminate the provisions of current Rule 8(c).

(1) Maintain continuous quotations consistent with the requirements of paragraph (d) below;

(2) Remain in good standing with the Exchange and in compliance with all CHX Rules applicable to it;

(3) Inform the Exchange of any material change in financial or operational condition or in personnel;

(4) Maintain a current list of MMATs who are permitted to enter orders on behalf of the Market Maker and provide an updated version of this list to the Exchange upon any change in MMATs;

(5) Clear and settle transactions through the facilities of a registered clearing agency. This requirement may be satisfied by direct participation, use of direct clearing services, or by entry into a correspondent clearing arrangement with another Participant that clears trades through such agency; and

(6) Comply with the requirements of Rule 5 below, as applicable.

Notably, proposed Rule 4(a):

- Is similar to BYX Rule 11.8(a), in that both rules set forth the same general Market Maker obligations and specific Market Maker responsibilities and duties, except that proposed paragraph (a)(6) includes an additional obligation not found under BYX rules requiring Participants that conduct business other than acting as a Market Maker on the Exchange to comply with the requirements of proposed Rule 5 (*i.e.*, current Rule 9) regarding information barriers; and
- restates the first paragraph of current Article 16, Rule 8 as the first paragraph of proposed Rule 4(a).

Proposed Rule 4(b) and (c) provide as follows:

(b) A Market Maker shall be responsible for the acts and omissions of its MMATs.

(c) If the Exchange finds any substantial or continued failure by a Market Maker to engage in a course of dealings as specified under this Rule, such Market Maker may be subject to disciplinary action by the Exchange pursuant to Rule 1(d) and/or Rule 2(e) above. Nothing in this Rule 4 will limit any other power of the Exchange under the Bylaws, Rules, or procedures of the Exchange with respect to the registration of a Market Maker or MMAT or in respect of any violation by a Market Maker or MMAT of the provisions of this Rule 4.

Notably, proposed Rule 4(b) and (c):

- Is similar to BYX Rules 11.8(b) and (c), in that both rules provide that Market Makers shall be responsible for the acts and omissions of its MMATs and provisions regarding the exchange's authority to prosecute noncompliance of Market Maker obligations, except that proposed Rule 4(c) does not refer to a review process for Exchange decisions made pursuant to proposed Rules 1(d) and/or 2(e), as those proposed rules already cite to the Article 15 review process.

Proposed Rules 4(d) is virtually identical to current Article 16, Rules 8(a), with proposed amendments to capitalize the term "Market Maker," as noted above.[48] The Exchange does not propose to substantively modify any obligations provided thereunder.

Proposed Rule 4(e) is a restatement of current Article 16, Rule 8(b), with a clarification that each Market Maker must have and maintain minimum net capital of at least the amount required under Rule 15c3–1 under the Exchange Act[49] and Article 7 (Financial Responsibility and Reporting Requirements).[50]

Proposed CHX Article 16, Rule 5 (Limitation on Dealings of Market Makers)

Proposed Rule 5 is virtually identical to current Article 16, Rule 9, with the following clarifying amendments:

- The term "Market Maker" is capitalized.[51]
- Proposed Rule 5(a) clarifies that affected Market Makers must meet information barrier requirements "that comport to the requirements of this Rule 5."
- Proposed Rule 5(c), which addresses the approval of information barrier procedures by the Exchange, is substantively identical to current Rule 9(c), with the following clarifications:
  - ○ Participants must promptly notify the Exchange of any material changes to a Participant's organizational structure or compliance and audit procedures that were previously approved by the Exchange pursuant to Rule 5(c).
  - ○ The Exchange must approve any material changes to a Participant's organizational structure or compliance and audit procedures that were previously approved by the Exchange pursuant to Rule 5(c) and must notify such approval to the Participant in writing.
  - ○ Explicitly state that absent approval of the information barrier procedures pursuant to proposed Rule 5(c), a Participant may not conduct any business activities *other than making markets in assigned securities pursuant to Article 16*, as opposed to merely stating that such a Participant may not conduct any "other" business activities.
- Paragraph .02(c)(2) of proposed Rule 5 is amended to replace "a" with "an" before the acronym "MMAT" for grammatical correctness and stylistic consistency.

Proposed CHX Article 16, Rule 6 (Reporting of Position Information by Market Makers)

Proposed Rule 6 is virtually identical to current Article 16, Rule 10, with amendments to capitalize the term "Market Maker," as noted above.[52] Incidentally, the Exchange proposes to amend Article 12, Rule 8(h)(1)(U) and the Minor Rule Violation chart under the CHX Fee Schedule to update cross-references to proposed CHX Article 16, Rule 6.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act[53] in general and furthers the objectives of Sections 6(b)(1)[54] in particular, in that it further enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its Participants and persons associated with its Participants, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange, in furtherance of the objectives of Section 6(b)(1). Specifically, the Exchange believes that the proposed rule change, notably amended Article 16, would promote clarity of CHX Rules related to the Market Maker application, registration and securities assignment procedures, which furthers the objectives of Section 6(b)(1).

The Exchange also believes that the proposed rule change furthers the objectives of Section 6(b)(5) in particular,[55] in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments and perfect the mechanisms of a free and open market, and, in general, to protect investors and the public interest. Generally, the Exchange believes that harmonizing certain proposed rules with the rules of other national securities exchanges, such as BYX, would remove impediments and perfect the mechanisms of a free and open market, which furthers the objectives of Section 6(b)(5).

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[48] *See supra* note 27.

[49] 17 CFR 240.15c3–1.

[50] The Exchange notes that current CHX Article 7, Rule 3(a)(1)(A) provides, in pertinent part, that Participant shall at all times maintain net capital not less than that prescribed by SEC 15c3–1 (17 CFR 240.15c3–1).

[51] *See supra* note 27.

[52] *See id.*

[53] 15 U.S.C. 78f(b).

[54] 15 U.S.C. 78f(b)(1).

[55] 15 U.S.C. 78f(b)(5).

Specifically, the Exchange believes that proposed Article 16, Rule 3 would promote just and equitable principles of trade and protect investors and the public investors by expanding the requirements of MMATs. The Exchange believes that heightened MMAT requirements would enhance oversight of market making on the Exchange.

Similarly, the Exchange believes that proposed Article 16, Rule 4 would promote just and equitable principles of trade and protect investors and the public investors by providing more detailed Market Maker obligations and explicitly stating that the Market Maker shall be responsible for the acts and omissions of its MMATs, which would further incentivize Market Makers to maintain robust oversight over its MMATs.

B. Self-Regulatory Organization's Statement of Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that the proposed rule change will enhance competition through clarifying and updating CHX Market Maker-related rules.

C. Self-Regulatory Organization's Statement on Comments Regarding the Proposed Rule Changes Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[56] and Rule 19b–4(f)(6) thereunder.[57] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[58] and Rule 19b–4(f)(6) thereunder.[59]

A proposed rule change filed under Rule 19b–4(f)(6) under the Act[60] normally does not become operative for 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii)[61] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that although its Market Maker program is currently dormant, it anticipates restarting the program shortly and is currently in the process of reviewing new Market Maker applications. The Exchange also notes that without a waiver of the operative delay, newly approved Market Makers would be required to begin making markets pursuant to a set of rules that have been amended by the proposed rule change and then later modify their procedures to comport to the proposed rule change when it becomes operative; the Exchange believes such a requirement would be unnecessarily burdensome. Based on the foregoing, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest.[62] The Commission hereby grants the Exchange's request and designates the proposal operative upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CHX–2016–04 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CHX–2016–04. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CHX–2016–04 and should be submitted on or before May 2, 2016.

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[56] 15 U.S.C. 78s(b)(3)(A)(iii).

[57] 17 CFR 240.19b–4(f)(6).

[58] 15 U.S.C. 78s(b)(3)(A).

[59] In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[60] 17 CFR 240.19b–4(f)(6).

[61] 17 CFR 240.19b–4(f)(6)(iii).

[62] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[63]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–08186 Filed 4–8–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77518; File No. SR–NYSEMKT–2016–13]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1, To Amend Rule 955NY(c) by Revising the Clearing Member Requirements for Entering an Order Into the Electronic Order Capture System ("EOC")

April 5, 2016.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the "Act")[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 22, 2016, NYSE MKT LLC (the "Exchange" or "NYSE MKT") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. On March 30, 2016, the Exchange filed Amendment No. 1 to the proposed rule change. The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 955NY(c) by revising the requirements for entering an order into the Electronic Order Capture System ("EOC"). The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 955NY(c) by revising the requirements for entering an order into the EOC. Specifically, the Exchange proposes to eliminate the pre-trade EOC requirement that ATP Holders give up the name of the Clearing Member[4] responsible for clearing each trade before representing a trade in open outcry.[5]

The EOC is the Exchange's floor-based electronic audit trail and order tracking system that provides an accurate time-sequenced record of all orders and transactions entered and executed on the floor of the Exchange.[6] This process, commonly referred to as the "systemization" of an order, is composed of the contractual terms of an order that are required to be disclosed in order to effect a trade. The EOC was developed to comply with an order of the Commission, which required that the Exchange, in coordination with other exchanges, "design and implement a consolidated options audit trail system ('COATS')," that would "enable the options exchanges to reconstruct markets promptly, effectively surveil them and enforce order handling, firm quote, trade reporting and other rules."[7] In particular, the Exchange was required incorporate into the audit trail all non-electronic orders "such that the audit trail provides an accurate, time-sequenced record of electronic and other orders, quotations and transactions on such respondent exchange, beginning with the receipt of an order by such respondent exchange and further documenting the life of the order through the process of execution, partial execution, or cancellation of that order, which audit trail shall be readily retrievable in the common computer format."[8]

Current Rule 955NY(c) sets forth the EOC entry requirements and mandates that every ATP Holder that receives an order for execution on the Exchange "must immediately, prior to representation in the trading crowd, record the details of the order (including any modification of the terms of the order or cancellation of the order) into the EOC, unless such order has been entered into the Exchange's other electronic order processing facilities (*e.g.,* orders sent electronically through the Exchange's Member Firm Interface)."[9] Among other pre-trade EOC requirements under current Rule 955NY(c)(1), every ATP Holder must provide "the name of the clearing ATP Holder" (the "Give Up Requirement")[10] Rule 955NY(c)(1) also provides that "[t]he remaining elements prescribed in Rule 956NY and any additional information with respect to the order shall be recorded as the events occur and/or during trade reporting procedures which may occur after the representation and execution of the order."[11]

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[63] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] Rule 900.2NY defines "Clearing Member" as an Exchange ATP Holder which has been admitted to membership in the Options Clearing Corporation pursuant to the provisions of the Rules of the Options Clearing Corporation.

[5] In Amendment No. 1, the Exchange clarified that it is proposing to amend the timing in which Clearing Member information will be entered into the EOC. More specifically, the Exchange noted that Rule 955NY(c)(1) requires the other items included in Rule 956NY(a), including the "CMTA Information and the name of the clearing OTP Holder or Firm," to be included in the EOC "as the events occur and/or during trade reporting procedures which may occur after the representation and execution of the order."

[6] This system includes the electronic communications interface between booth terminals and the Floor Broker work stations.

[7] *See* Section IV.B.e.(v) of the Commission's Order Instituting Public Administrative Proceedings Pursuant to Sections 19(h)(1) of the Securities Exchange Act of 1934, Making Findings and Imposing Remedial Sanctions (the "Order"). *See* Securities Exchange Act Release No. 43268 (September 11, 2000) and Administrative Proceeding File No. 3–10282.

[8] *See id.*

[9] *See* Rule 955NY(c).

[10] *See* Rule 955NY(c)(1)(vii). Rule 955NY(c)(1) also requires the following data points to be entered upon receipt of an order: (i) The option symbol; (ii) the expiration date of the option; (iii) the exercise price; (iv) buy or sell with applicable limit or stop price or special instructions; (v) call or put; (vi) the quantity of contracts; as well as such other information as may be required by the Exchange from time to time. Rule 955NY(c)(1) also provides that the Exchange may also require additional information if needed and provides that the remaining data elements prescribed in Rule 956NY [*see infra* n. 10] are to be recorded as the events occur and/or during trade reporting procedures. The Exchange proposes to add the words "in the EOC" to Rule 955NY(c)(1) to make clear where the additional information would be recorded. *See* proposed Rule 955NY(c)(1).

[11] *See* Rule 955NY (c)(1). The Exchange notes that one such element prescribed in Rule 956NY(a) to be recorded by each ATP Holder is "CMTA Information and the name of the clearing ATP Holder," and therefore, per Rule 955NY(c)(1), this information would still be disclosed "as the events occur and/or during trade reporting procedures

Continued

Pursuant to the proposed rule change, ATP Holders would no longer be subject to the pre-trade Give Up Requirement. Floor Brokers have told the Exchange that the identity of the firm through which each trade will clear is not always initially provided when an order is presented and that waiting to receive this information and enter it into EOC can delay the representation and execution of an order. In today's trading environment of rapidly moving markets and the need to execute an order and hedge a trade in real or near real time, even a slight delay can prove to be detrimental to the handling of an order. The proposed change to eliminate the Give Up Requirement prior to execution of each trade would not impair the Exchange's ability to comply with the Order. Specifically, the EOC would still provide an accurate, time-sequenced record beginning with the receipt of an order and document the life of the order through the process of execution, partial execution, or cancellation. Entry of information pursuant to the Give Up Requirement would occur after the order had been represented and executed in the Trading Crowd.[12] Thus, only the timing of the disclosure of such information would be affected by this proposal.

The Exchange notes that, similar to a filing it submitted in 2013,[13] the proposed rule change relates only to the system entry requirements for floor-based orders and would not change rules governing the record of orders (Rule 956NY). Floor Brokers would continue to be required to maintain proper order records, as part of each trade record, including the identity of the clearing ATP Holder.[14] In that regard, Floor Brokers would continue to be required to give up the responsible Clearing Member on each trade as part of each trade record.[15]

2. Statutory Basis

The Exchange believes that the proposed change is consistent with Section 6(b) of the Act,[16] in general, and furthers the objectives of Section 6(b)(5),[17] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitation transactions in securities, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [18] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Specifically, the proposed change to order entry requirements for the EOC (*i.e.,* eliminating the pre-trade Give Up) is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities by ensuring that the terms of an order continue to be properly systematized prior to the order being represented in the Trading Crowd. The proposed change to eliminate the Give Up Requirement prior to execution of each trade would not impair the Exchange's ability to comply with the Order. Specifically, the EOC would still provide an accurate, time-sequenced record of electronic and other orders, quotations and transactions, beginning with the receipt of the order and documenting the life of the order through the process of execution, partial execution, or cancellation.[19]

The proposal is also designed to prevent fraudulent and manipulative acts and practices, by ensuring that the Exchange is continues to meet its obligation to create and maintain a time-sequenced record of orders, quotations and transactions on the Exchange. This proposal does not alter—or, as stated above, impair, the Exchange's obligation to incorporate into its audit trail all non-electronic orders to provide an accurate, time-sequenced record of electronic and other orders, quotations and transactions that documents the life of the order from receipt through the execution, partial execution, or cancellation.[20] Moreover, the proposed change merely removes the Give Up Requirement from pre-trade systemization, it does not alter that give ups must be disclosed as part of the Give Up Process and as part of trade reporting on the Exchange.[21] Accordingly, nothing in this proposal would alter the Exchange's obligations pursuant to, or ability to comply with, the Order. The Exchange notes that it has previously modified the non-contractual data elements required pursuant to Rule 955NY(c) (*i.e.,* not mandated by the Order).[22]

Finally, the Exchange believes that the proposed change would reduce the burden on Floor Brokers to enter order information prior to representation which would, in turn, promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market by reducing the delay in representation and execution of an order on the Exchange.

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which may occur after the representation and execution of the order." *Id. See also* Rule 956NY(a) (Record of Orders) (requiring that ATP Holders maintain a record of each order that includes that the following data elements: (1) CMTA Information and the name of the clearing ATP Holder; (2) options symbol, expiration month, exercise price and type of options; (3) side of the market and order type; (4) quantity of options; (5) limit or stop price or special conditions; (6) opening or closing transaction; (7) time in force; (8) account origin code; and (9) whether the order was solicited or unsolicited.) *See also* Rule 957NY (Reporting Duties), *infra* n. 12.

[12] *See id.; see also* Commentary .01 to Rule 957NY (providing that for each transaction executed on the Options Floor, the responsible ATP Holder will immediately report, among other information, both its assigned broker initial code and the name of the contra clearing member).

[13] *See* Securities and Exchange Act Release 69081 (March 8, 2013), 78 FR 16332, 16333 (March 14, 2013) (SR–NYSEMKT–2013–16) (noting that "[b]ecause the CMTA information, the opening/closing designation, the account origin code, the time if force and whether an order was solicited or unsolicited are not contractual terms of a trade itself nor are they required data elements pursuant to the Exchange's order format requirements, the Exchange does not believe this information needs to be entered into the EOC prior to an order being represented in the Trading Crowd, but may be entered contemporaneously upon the receipt of such information, even if that occurs after the order had been represented and executed in the Trading Crowd").

[14] The Exchange notes that another exchange has made modifications to its rules related to the Order. *See* Securities Exchange Act Release No. 63071 (October 8, 2010), 75 FR 63876, 63877–78 (October 18, 2010) (SR–Phlx–2010–139) (immediately effective filing to amend language related to the timing of the entry of clearing information, noting in relevant part that "[t]he clearing information, which is the contra-side clearing information, is not required to be entered pursuant to COATS. Rather, this information facilitates the identification of the trade for clearing."). The Exchange notes that the Philadelphia Stock Exchange proposed these changes to its rules without solicitation of the exchanges that were subject to the Order, including the Exchange. Accordingly, the Exchange believes that exchanges' changes to their rules put in place to comply with the Order are appropriately effected pursuant to the provisions of Section 19(b)(1) of the Act and Rule 19b–4 thereunder. *See* 15 U.S.C. 78s(b)(1); 17 CFR 240.19b–4.

[15] *See supra* nn. 11, 12. In addition, the Exchange notes that this proposal would not change rules governing trade reporting requirements (Rule 957NY) (*i.e.,* that "[t]ransactions not reported to [the Options Pricing Reporting Authority] within 90 seconds after the execution will be designated as ('late," per Rule 957(a)). The Exchange also notes that last year it revised and detailed the process in which an ATP Holder "gives up" or selects a Clearing Member responsible for the clearance of an Exchange transaction (the "Give Up Process"). *See* Securities and Exchange Act Release 75642 (August 7, 2015), 80 FR 48594 (August 13, 2015) (SR–NYSEMKT–2015–55) (revising the Exchange's Give Up Process through modifications to Rules 960, 961 and 954NY).

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

[18] *Id.*

[19] *See supra* n. 7.

[20] *Id.*

[21] *See supra* nn. 11, 12, 15.

[22] *See supra* n. 13.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that this proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change would reduce the burden on Floor Brokers that have reported that the identity of the firm through which each trade will clear is not always initially provided when an order is presented and that waiting to receive this information and enter it into EOC can delay the representation and execution of an order. By reducing Floor Brokers' burden on order entry compliance, the Exchange believes the proposal will improve the competitiveness of Exchange Floor Brokers, by enabling more timely executions of open outcry trades and promoting competition for order flow among market participants and the options exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–NYSEMKT–2016–13 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–NYSEMKT–2016–13. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–NYSEMKT–2016–13, and should be submitted on or before May 2, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–08179 Filed 4–8–16; 8:45 am]

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[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77524; File No. SR–BatsBZX–2016–04]

Self-Regulatory Organizations; Bats BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Its Equity Options Platform

April 5, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on March 31, 2016, Bats BZX Exchange, Inc. (the "Exchange" or "BZX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b-4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule applicable to Members[5] and non-members of the Exchange pursuant to BZX Rules 15.1(a) and (c).

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term "Member" is defined as "any registered broker or dealer that has been admitted to membership in the Exchange." *See* Exchange Rule 1.5(n).

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fee schedule ("Fee Schedule") for its equity options platform ("BZX Options") to add the definitions of "Appointed MM" and "Appointed OEF", effective April 1, 2016, which would increase opportunities for firms to qualify for tiered pricing on BZX Options. Specifically, the Exchange proposes to allow a Market Maker to designate an Order Entry Firm ("OEF") as its "Appointed OEF" and for an OEF to designate a Market Maker as its "Appointed MM," for purposes of the Fee Schedule. Members of BZX Options would effectuate such designation by completing and sending an executed Volume Aggregation and Execution Detail Request form by email to the Exchange.[6] As specified in the proposed Fee Schedule, the Exchange would view the transmittal of the completed form as acceptance of such an appointment.[7] The proposed new concepts would be applicable to all tiered pricing offered by the Exchange, and are designed to increase opportunities for firms to qualify for such tiers.

The Exchange currently offers tiers as described in the footnotes section of the Fee Schedule. Under the current tiers, Members that achieve certain volume criteria may qualify for reduced fees or enhanced rebates for various executions, including executions of Customer[8] and Market Maker[9] orders. In connection with such tiers, the Exchange calculates on a monthly basis a Member's ADV[10] and/or ADAV[11] in the applicable category (*e.g.*, Customer orders or Market Maker orders), as a percentage of average TCV.[12] The Exchange also offers various incentives focused on growth that compare a Member's ADAV as compared to a baseline ADAV established in a prior period (*i.e.*, the Exchange's "step-up" pricing). Upon reaching a volume threshold that qualifies a Member for a specified tier, a Member receives the enhanced rebate or reduced fee associated with the highest tier achieved for each eligible contract executed on the Exchange. Under the Exchange's current Fee Schedule, a Member is permitted to aggregate volume with other Members that control, are controlled by, or are under common control with such Member. Thus, Members that act as OEFs with affiliated broker-dealers that are Market Makers on the Exchange, and vice-versa, may be able to qualify for certain pricing incentives offered by the Exchange based on such affiliation and aggregation.

The proposal would be available to all Market Makers and OEFs. Specifically, the proposed changes would enable any Market Maker to qualify an Appointed OEF for purposes of volume-based tiers on the Exchange. In this regard, the proposed change would enable a Market Maker without an affiliated OEF—or with an affiliated OEF that doesn't meet the volume requirements for tiered pricing—to enter into a relationship with an Appointed OEF. Similarly, as proposed, an OEF, by virtue of designating an Appointed MM, would be able to aggregate its own Customer volume with the activity of its Appointed MM, which would enhance the OEF's potential to qualify for tiered pricing.[13]

Thus, the proposed changes would enable firms that may not currently be eligible for tiered pricing incentives to avail themselves of such incentives as well as to assist firms that are currently eligible for such incentives to potentially achieve a higher tier, thus qualifying for higher rebates or reduced fees. The Exchange believes these proposed changes would incentivize firms to direct their order flow to the Exchange to the benefit of all market participants. Further, the Exchange believes that the proposed changes would encourage Market Maker firms to increase their participation on the Exchange, which would increase capital commitment and liquidity on the Exchange to the benefit of all market participants.

As proposed, the Exchange would only process one designation of an Appointed OEF and Appointed MM per year, which designation would remain in effect unless or until the parties informed the Exchange of its termination.[14] The Exchange believes that this requirement would impose a measure of exclusivity and would enable both parties to rely upon each other's transaction volumes executed on the Exchange, and potentially increase such volumes, which is beneficial to all Exchange participants.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.[15] Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[16] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using any facility or system which the Exchange operates or controls.

The Exchange believes that its proposed fees and rebates are reasonable, fair and equitable, and non-discriminatory for the following reasons. First, the proposal would be available to all Market Makers and OEFs and the decision to be designated as an "Appointed OEF" or "Appointed MM" is completely voluntary and Members may elect to accept this appointment or not. In addition, the proposed changes would enable firms that are not currently eligible for tiered pricing to avail themselves such pricing as well as to assist firms that are currently eligible for such tiers to potentially achieve a higher tier, thus qualifying for higher rebates or lower fees. The Exchange believes these proposed changes would incentivize firms to direct their order flow to the Exchange. Specifically, the proposed changes would enable any Market Maker to qualify its Appointed OEF for purposes of tiered pricing. Moreover, the proposed change would allow any OEF, by virtue of designating an Appointed MM, to aggregate its own volume, including Customer volume, with the activity of its Appointed MM, which would enhance the OEF's potential to qualify for enhanced rebates or reduced fees. The Exchange believes these proposed changes would incentivize Appointed OEFs with an Appointed MM to direct their order flow to the Exchange, which increase in orders routed to the Exchange would benefit all market participants by expanding liquidity and providing more trading opportunities on the Exchange. Similarly, the Exchange believes these proposed changes would incentivize Appointed MMs with an Appointed OEF to increase their participation on the Exchange, which would increase capital commitment and liquidity and decrease spreads on the Exchange to the benefit of all market participants. The Exchange believes that, similar to volume based tiers offered by the Exchange, the benefits of the proposal extend to all market participants based on the increased quality of liquidity on the Exchange, including those market participants that opt not to become an Appointed OEF or Appointed MM.

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[6] *See* proposed language for "Designating an Appointed OEF/Appointed MM" under "Definitions" section of the Fee Schedule. Members should direct their executed forms to *membershipservices@bats.com*.

[7] The Exchange further notes that, as proposed, the Exchange would only recognize one such designation for each party once every 12 months, which designation would remain in effect unless or until the Exchange receives written notice from either party indicating that the appointment has been terminated. *Id.*

[8] The term "Customer" applies to any transaction identified by a Member for clearing in the Customer range at the Options Clearing Corporation ("OCC"), excluding any transaction for a Broker Dealer or a "Professional" as defined in Exchange Rule 16.1.

[9] The term "Market Maker" applies to any transaction identified by a Member for clearing in the Market Maker range at the OCC, where such Member is registered with the Exchange as a Market Maker as defined in Rule 16.1(a)(37).

[10] "ADV" means average daily volume calculated as the number of contracts added or removed, combined, per day.

[11] "ADAV" means average daily added volume calculated as the number of contracts per day.

[12] "TCV" means total consolidated volume calculated as the volume reported by all exchanges to the consolidated transaction reporting plan for the month for which the fees apply, excluding volume on any day that the Exchange experiences an Exchange System Disruption and on any day with a scheduled early market close.

[13] An OEF that has both an Appointed MM and an affiliated Market Maker may only aggregate volumes with one of these two, not both. Specifically, the Exchange proposes to specify in the definitions section that that "[w]ith prior notice to the Exchange, a Member may aggregate ADAV or ADV with other Members that control, are controlled by, or are under common control with such Member *or* who have been appointed as an Appointed OEF or Appointed OEF." *See* proposed Fee Schedule, "Definitions", emphasis added.

[14] *See supra*, note 7.

[15] 15 U.S.C. 78f.

[16] 15 U.S.C. 78f(b)(4).

Further, the Exchange believes that the proposal is reasonable and equitably allocated because it is beneficial to all Exchange participants based on the fact that it enables parties to rely upon each other's transaction volumes executed on the Exchange, and potentially increase such volumes. In turn, as above, the potential increase in order flow, capital commitment and resulting liquidity on the Exchange would benefit all market participants by expanding liquidity, providing more trading opportunities and tighter spreads. The proposal is also reasonable, equitable and not unfairly discriminatory because the Exchange would only process one designation of an Appointed OEF and Appointed MM per year, which requirement would impose a measure of exclusivity while allowing both parties to rely upon each other's transaction volumes executed on the Exchange, and potentially increase such volumes, again, to the benefit of all market participants. Finally, the Exchange believes the proposal is reasonable, equitable and not unfairly discriminatory as it may encourage an increase in orders routed to the Exchange, which would expand liquidity and provide more trading opportunities and tighter spreads to the benefit of all market participants, even to those market participants that are either currently affiliated by virtue of their common ownership or that opt not to become an Appointed OEF or Appointed MM under this proposal.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed amendments to its fee schedule would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed changes are pro-competitive as they would increase opportunities for firms to qualify for tiered pricing on the Exchange, which may increase intermarket and intramarket competition by incenting participants to direct their orders to the Exchange thereby increasing the volume of contracts traded on the Exchange and enhancing the quality of quoting. Enhanced market quality and increased transaction volume that results from the anticipated increase in order flow directed to the Exchange would benefit all market participants and improve competition on the Exchange. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and rebates to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[17] and paragraph (f) of Rule 19b–4 thereunder.[18] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BatsBZX–2016–04 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BatsBZX–2016–04. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BatsBZX–2016–04 and should be submitted on or before May 2, 2016.

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[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–08184 Filed 4–8–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77522; File No. SR–NYSEArca–2015–125]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Amendment Nos. 1, 2, and 3 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment Nos. 1, 2, and 3, To List and Trade Shares of RiverFront Dynamic Unconstrained Income ETF and RiverFront Dynamic Core Income ETF Under NYSE Arca Equities Rule 8.600

April 5, 2016.

I. Introduction

On December 15, 2015, NYSE Arca, Inc. (“Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act” or “Exchange Act”)[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (“Shares”) of the following under NYSE Arca Equities Rule 8.600: RiverFront Dynamic Unconstrained Income ETF and RiverFront Dynamic Core Income ETF (each a “Fund,” and collectively, “Funds”). The Commission published notice of the proposed rule change in the **Federal Register** on January 6, 2016.[3] On January 19, 2016, and January 29, 2016, the Exchange submitted Amendment Nos. 1 and 2, respectively, to the proposed rule change.[4] On February 19, 2016, pursuant to Section 19(b)(2) of the Act,[5] the Commission designated a longer period within which to either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[6] On April 1, 2016, the Exchange submitted Amendment No. 3 to the proposed rule change.[7] The Commission is publishing this notice to solicit comment on Amendment Nos. 1, 2, and 3 to the proposed rule change from interested persons and is approving the proposed rule change, as modified by Amendment Nos. 1, 2, and 3, on an accelerated basis.

II. The Exchange’s Description of the Proposal[8]

The Exchange proposes to list and trade the Shares under NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares. The Funds are each a series of ALPS ETF Trust (“Trust”), a statutory trust organized under the laws of the State of Delaware and registered with the Commission as an open-end management investment company.[9] The Funds will be managed by ALPS Advisors, Inc. (“Adviser”), and RiverFront Investment Group, LLC (“Sub-Adviser”) will be the investment sub-adviser for the Funds.[10]

A. RiverFront Dynamic Unconstrained Income ETF

1. *Principal Investment Strategies*

The Exchange states that the investment objective of the Fund will be to seek total return with an emphasis on income as the source of that total return. Under normal circumstances, the Fund will invest at least 65% of its assets in the securities and financial instruments described below.[11] The average maturity or duration of the Fund’s portfolio of Fixed Income Securities (as described below) will vary based on the Sub-Adviser’s assessment of economic and market conditions; however, the Sub-Adviser intends to manage the Fund’s portfolio so that it has an average duration of between two and ten years, under normal circumstances.

According to the Exchange, the Fund’s portfolio is constructed through a two-step process. The first step is setting the strategic allocation among different fixed income asset classes, with the objective being to construct an allocation that is designed to balance the probability of upside returns with downside risks for investors with a five-year time horizon for their investments. The second step is tactically adjusting these allocations as market conditions warrant and determining security selection within those asset classes in order to maximize potential returns over time.

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[19] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 34–76798 (December 30, 2015), 81 FR 526 (January 6, 2016) (NYSEArca–2015–125) (“Notice”).

[4] Amendment No. 1 replaced and superseded the original filing in its entirety. Amendment No. 1 is available at *https://www.sec.gov/comments/sr-nysearca-2015-125/nysearca2015125.shtml.* Amendment No. 2 replaced and superseded the original filing, as modified by Amendment No. 1, in its entirety. Amendment No. 2 is available at *https://www.sec.gov/comments/sr-nysearca-2015-125/nysearca2015125.shtml.*

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 77184, 81 FR 9532 (February 25, 2016). The Commission designated April 5, 2016, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[7] In Amendment No. 3, the Exchange: (i) Revised the description of the Funds’ portfolio construction and asset allocation methodology; (ii) clarified the percentage limitations on investments in the securities of issuers located in emerging markets for each Fund, and (iii) added representations that (a) all statements and representations made in the filing regarding the description of the portfolio, limitations on portfolio holdings or reference assets, or the applicability of Exchange rules and surveillance procedures shall constitute continued listing requirements for listing the Shares on the Exchange; and (b) the issuer has represented to the Exchange that it will advise the Exchange of any failure by the Funds to comply with the continued listing requirements, and, pursuant to its obligation under section 19(g)(1) of the Exchange Act, the Exchange will, monitor for compliance with its continued listing requirements, and if the Funds are not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under the Exchange’s rules. Amendment No. 3 is available at *https://www.sec.gov/comments/sr-nysearca-2015-125/nysearca2015125-3.pdf.*

[8] Additional information regarding the Trust (as defined herein), the Funds, and the Shares, including investment strategies, risks, creation and redemption procedures, fees, portfolio holdings, disclosure policies, calculation of net asset value (“NAV”), distributions, and taxes, among other things, can be found in the Notice and the Registration Statement, as applicable. *See* Notice, *supra* note 3, and Registration Statement, *infra* note 9.

[9] The Exchange states that the Trust is registered under the 1940 Act. According to the Exchange, on September 1, 2015, the Trust filed with the Commission an amendment to its registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a) (“Securities Act”) and the 1940 Act relating to the Funds (File Nos. 333–148826 and 811–22175) (“Registration Statement”). The Exchange states that the Commission has issued an order granting certain exemptive relief to the Trust and the Adviser (as defined herein) under the 1940 Act. *See* Investment Company Act Release No. 30553 (June 11, 2013) (File No. 812–13884) (“Exemptive Order”). The Exchange states that the Funds will be offered in reliance upon the Exemptive Order issued to the Trust and the Adviser.

[10] The Exchange states that neither the Adviser nor the Sub-Adviser is registered as a broker-dealer. The Exchange states that each of the Adviser and Sub-Adviser is affiliated with a broker-dealer and has implemented and will maintain a fire wall with respect to its broker-dealer affiliate regarding access to information concerning the composition of and/or changes to a Fund portfolio. In the event (a) the Adviser or Sub-Adviser becomes newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser becomes affiliated with a broker-dealer, such adviser or sub-adviser will implement a fire wall with respect to such broker-dealer regarding access to information concerning the composition of and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

[11] The term “under normal circumstances” includes, but is not limited to, the absence of extreme volatility or trading halts in the securities markets or the financial markets generally; circumstances under which a Fund’s investments are made for temporary defensive purposes; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance.

The Exchange states that the strategic allocation across long-term, medium-term and short-term investment grade securities, long-term and short-term high yield securities, and emerging market debt is adjusted at least annually or as market conditions warrant and is determined by a quantitative methodology. This methodology models historical returns as a function of initial valuation conditions and creates estimates of potential returns and downside risks consistent with historical market behavior. The capital market assumptions produced by this methodology are then incorporated into a proprietary Mean Reversion Optimization (MRO) process to produce the model weighting for each of the major fixed income asset classes.

The Fund will seek to achieve its investment objective by investing in a global portfolio of "Fixed Income Securities" (as described below) of various maturities, ratings, and currency denominations. The Fund intends to utilize various investment strategies in a broad array of fixed income sectors. The Fund will allocate its investments based upon the analysis of the Sub-Adviser of the pertinent economic and market conditions, as well as yield, maturity, credit and currency considerations.

For purposes of this filing, Fixed Income Securities include the following: Corporate bonds, notes, and debentures; securities issued by the U.S. government or its agencies, instrumentalities, or sponsored corporations (including those not backed by the full faith and credit of the U.S. government); agency and non-agency mortgage-backed securities ("MBS") and asset-backed securities ("ABS");[12] municipal securities;[13] U.S. agency mortgage pass-through securities;[14] convertible securities;[15] preferred stocks;[16] commercial instruments;[17] variable or floating rate instruments and variable rate demand instruments;[18] zero-coupon and pay-in-kind securities;[19] bank instruments, including certificates of deposit, time deposits, and bankers' acceptances from U.S. banks; and participations in and assignments of bank loans or corporate loans,[20] which loans include senior loans, syndicated bank loans, junior loans, bridge loans, unfunded commitments, revolving credit facilities, and participation interests.[21]

The Fund may purchase Fixed Income Securities issued by U.S. or foreign corporations[22] or financial institutions.

The Fund may purchase securities issued or guaranteed by the U.S. or foreign governments (including foreign states, provinces, and municipalities) or their agencies and instrumentalities or issued or guaranteed by international organizations designated or supported by multiple government entities to promote economic reconstruction or development.

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[12] The MBS in which a Fund may invest includes residential mortgage-backed securities ("RMBS"), collateralized mortgage obligations ("CMOs"), and commercial mortgage-backed securities ("CMBS"). The ABS in which the Fund may invest includes collateralized debt obligations ("CDOs"). CDOs include collateralized bond obligations ("CBOs"), collateralized loan obligations ("CLOs"), and other similarly structured securities. A CBO is a trust which is backed by a diversified pool of high-risk, below investment-grade, fixed income securities. A CLO is a trust typically collateralized by a pool of loans, which may include domestic and foreign senior secured loans, senior unsecured loans, and subordinate corporate loans, including loans that may be rated below investment grade or equivalent unrated loans. Specifically, the Exchange notes that such ABS are bonds backed by pools of loans or other receivables and are securitized by a wide variety of assets that are generally broken into three categories: consumer, commercial, and corporate. The consumer category includes credit card, auto loan, student loan, and timeshare loan ABS. The commercial category includes trade receivables, equipment leases, oil receivables, film receivables, rental cars, aircraft securitizations, ship and container securitizations, whole business securitizations, and diversified payment right securitizations. Corporate ABS includes cash flow collateralization loan obligations, collateralized by both middle market and broadly syndicated bank loans. ABS are issued through special purpose vehicles that are bankruptcy remote from the issuer of the collateral. The credit quality of an ABS tranche depends on the performance of the underlying assets and the structure. To protect ABS investors from the possibility that some borrowers could miss payments or even default on their loans, ABS includes various forms of credit enhancement.

[13] The municipal securities which each Fund may purchase include general obligation bonds and limited obligation bonds (or revenue bonds), including industrial development bonds issued pursuant to former federal tax law, and lease obligations.

[14] Each Fund will seek to obtain exposure to U.S. agency mortgage pass-through securities primarily through the use of "to-be-announced" or "TBA transactions." "TBA" refers to a commonly used mechanism for the forward settlement of U.S. agency mortgage pass-through securities, and not to a separate type of mortgage-backed security. Most transactions in mortgage pass-through securities occur through the use of TBA transactions. TBA transactions generally are conducted in accordance with widely-accepted guidelines which establish commonly observed terms and conditions for execution, settlement and delivery.

[15] Convertible securities include bonds, debentures, notes, preferred stocks, and other securities that may be converted into a prescribed amount of common stock or other equity securities at a specified price and time. The holder of convertible securities is entitled to receive interest paid or accrued on debt, or dividends paid or accrued on preferred stock, until the security matures or is converted.

[16] The preferred stocks in which each Fund may invest may be either exchange-traded or traded over-the-counter.

[17] Commercial instruments include commercial paper and other short-term corporate instruments.

[18] Variable or floating interest rates are readjusted on set dates (such as the last day of the month or calendar quarter) in the case of variable rates or whenever a specified interest rate change occurs in the case of a floating rate instrument. The terms of such demand instruments require payment of principal and accrued interest by the issuer, a guarantor and/or a liquidity provider. The Sub-Adviser will monitor the pricing, quality and liquidity of the variable or floating rate securities held by the Fund.

[19] Zero-coupon or pay-in-kind securities are debt securities that do not make regular cash interest payments. Zero-coupon securities are sold at a deep discount to their face value. Pay-in-kind securities pay interest through the issuance of additional securities.

[20] The Adviser expects that under normal market conditions, the Fund generally will seek to invest at least 80% of its corporate loan assets in issuances that have at least $100,000,000 par amount outstanding (if tied to developed countries) and at least $200,000,000 par amount outstanding (if tied to emerging market countries).

[21] Participation interests generally will be acquired from a commercial bank or other financial institution (a "Lender") or from other holders of a participation interest (a "Participant"). The purchase of a participation interest either from a Lender or a Participant will not result in any direct contractual relationship with the borrowing company (the "Borrower"). The Fund generally will have no right directly to enforce compliance by the Borrower with the terms of the credit agreement. Instead, the Fund will be required to rely on the Lender or the Participant that sold the participation interest, both for the enforcement of the Fund's rights against the Borrower and for the receipt and processing of payments due to the Fund under the loans. Under the terms of a participation interest, the Fund may be regarded as a member of the Participant, and thus the Fund is subject to the credit risk of both the Borrower and a Participant. Participation interests are generally subject to restrictions on resale.

[22] The Fund will invest only in securities that the Adviser or Sub-Adviser deems to be sufficiently liquid. While corporate debt securities tied to developed market countries generally must have $100 million or more par amount outstanding and significant par value traded to be considered as an eligible investment, at least 75% of issues of such corporate debt held by the Fund will have $100 million or more par amount outstanding. While corporate debt securities tied to emerging market countries generally must have $200 million or more par amount outstanding and significant par value traded to be considered as an eligible investment, at least 75% of issues of such corporate debt held by the Fund will have $200 million or more par amount outstanding.

The Fund may invest in MBS issued or guaranteed by federal agencies and/or U.S. government sponsored instrumentalities, such as the Government National Mortgage Administration ("Ginnie Mae"), the Federal Housing Administration ("FHA"), the Federal National Mortgage Association ("Fannie Mae"), and the Federal Home Loan Mortgage Corporation ("Freddie Mac"). The MBS in which the Fund may invest will be either pass-through securities or CMOs and may be TBA transactions.[23]

The Fund may purchase or sell securities on a when-issued,[24] delayed delivery, or forward commitment basis, and may enter into repurchase and reverse repurchase agreements.[25]

The Fund may invest in exchange-traded funds ("ETFs")[26] and/or exchange-traded closed-end funds that invest in Fixed Income Securities.

The Fund may invest without limitation in U.S. dollar-denominated securities of foreign issuers in developed markets. The Fund can invest up to 50% of its assets in non-dollar-denominated securities. The Fund can invest up to 50% of its assets in the securities of issuers located in emerging markets (either US dollar-denominated or non-dollar-denominated). The Sub-Adviser may attempt to reduce currency risk by entering into contracts with banks, brokers, or dealers to purchase or sell securities or foreign currencies at a future date ("forward contracts").[27]

The Fund may enter into cleared and over-the-counter ("OTC") total return swap agreements that effectively bundle the purchase of foreign bonds and the hedging of foreign currency into a single transaction.[28]

The Fund may invest in securities that are offered pursuant to Rule 144A under the Securities Act.

The Fund may also use leverage to the extent permitted under the 1940 Act by entering into reverse repurchase agreements and borrowing transactions (principally lines of credit) for investment purposes. The Fund's exposure to reverse repurchase agreements will be covered by securities having a value equal to or greater than such commitments. The Exchange represents that, under the 1940 Act, reverse repurchase agreements are considered borrowings. Although there is no limit on the percentage of Fund assets that can be used in connection with reverse repurchase agreements, the Fund does not expect to engage, under normal circumstances, in reverse repurchase agreements with respect to more than 33⅓% of its assets.

2. Other Investments

While the Fund will, under normal circumstances, invest at least 65% of its assets in the securities and financial instruments described above, the Fund may invest its remaining assets in the securities and financial instruments described below.

The Fund may invest in money market instruments, including other funds which invest exclusively in money market instruments. The Fund may invest in structured notes (notes on which the amount of principal repayment and interest payments are based on the movement of one or more specified factors, such as the movement of a particular bond or bond index). In addition to the types of forward contracts and swaps discussed above, the Fund may invest in other types of forward contracts and swaps, as well as options and futures contracts (as discussed below), each based on fixed-income securities, currencies, or indexes of fixed-income securities or currencies.[29]

The Fund may invest up to 5% of its assets in U.S. exchange-traded equity securities (excluding ETFs and closed-end funds).

B. RiverFront Dynamic Core Income ETF

1. Principal Investment Strategies

The Exchange states that the investment objective of the Fund will be to seek total return with an emphasis on income as the source of that total return. Under normal circumstances, the Fund will invest at least 65% of its assets in the securities and financial instruments described below.[30] The average maturity or duration of the Fund's portfolio of Fixed Income Securities will vary based on the Sub-Adviser's assessment of economic and market conditions; however, the Sub-Adviser intends to manage the Fund's portfolio so that it has an average duration of between two and eight years, under normal circumstances.

The Fund's portfolio is constructed through a two-step process. The first step is setting the strategic allocation among different fixed income asset classes, with the objective being to construct an allocation that is designed to balance the probability of upside returns with downside risks for investors with a five-year time horizon for their investments. The second step is tactically adjusting these allocations as market conditions warrant and determining security selection within those asset classes in order to maximize potential returns over time.

The strategic allocation across long-term, medium-term and short-term investment grade securities, long-term and short-term high yield securities and emerging market debt is adjusted at least annually or as market conditions warrant and is determined by a quantitative methodology. This methodology models historical returns as a function of initial valuation conditions and creates estimates of potential returns and downside risks consistent with historical market behavior. The capital market assumptions produced by this methodology are then incorporated into a proprietary Mean Reversion Optimization (MRO) process to produce the model weighting for each of the major fixed income asset classes.

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[23] Pass-through securities represent a right to receive principal and interest payments collected on a pool of mortgages, which are passed through to security holders. CMOs are created by dividing the principal and interest payments collected on a pool of mortgages into several revenue streams (tranches) with different priority rights to portions of the underlying mortgage payments. The Fund will not invest in CMO tranches which represent a right to receive interest only ("IOs"), principal only ("POs") or an amount that remains after other floating-rate tranches are paid (an inverse floater).

[24] Purchasing securities on a "when-issued" basis means that the date for delivery of and payment for the securities is not fixed at the date of purchase, but is set after the securities are issued. The payment obligation and, if applicable, the interest rate that will be received on the securities are fixed at the time the buyer enters into the commitment. The Fund will only make commitments to purchase such securities with the intention of actually acquiring such securities, but the Fund may sell these securities before the settlement date if it is deemed advisable.

[25] Repurchase agreements are agreements pursuant to which securities are acquired by the Fund from a third party with the understanding that they will be repurchased by the seller at a fixed price on an agreed date. These agreements may be made with respect to any of the portfolio securities in which the Fund is authorized to invest. Repurchase agreements may be characterized as loans secured by the underlying securities. Reverse repurchase agreements involve the sale of securities with an agreement to repurchase the securities at an agreed-upon price, date and interest payment and have the characteristics of borrowing. The securities purchased with the funds obtained from the agreement and securities collateralizing the agreement will have maturity dates no later than the repayment date.

[26] For purposes of this filing, ETFs consist of Investment Company Units (as described in NYSE Arca Equities Rule 5.2(j)(3)), Portfolio Depositary Receipts (as described in NYSE Arca Equities Rule 8.100), and Managed Fund Shares (as described in NYSE Arca Equities Rule 8.600). All ETFs will be listed and traded in the U.S. on a national securities exchange. The Funds will not invest in leveraged or leveraged inverse ETFs.

[27] A foreign currency forward contract is a negotiated agreement between the contracting parties to exchange a specified amount of currency at a specified future time at a specified rate. The rate can be higher or lower than the spot rate between the currencies that are the subject of the contract.

[28] *See* "The Funds' Use of Derivatives," Section II. D. *infra*.

[29] *See* "The Funds' Use of Derivatives," Section II. D. *infra*.

[30] *See* note 11, *supra*.

The Fund will seek to achieve its investment objective by investing in a global portfolio of Fixed Income Securities (as described above)[31] of various maturities, ratings, and currency denominations. The Fund intends to utilize various investment strategies in a broad array of fixed income sectors. The Fund will allocate its investments based upon the analysis of the Sub-Adviser of the pertinent economic and market conditions, as well as yield, maturity, credit, and currency considerations.

The Fund may purchase Fixed Income Securities issued by U.S. or foreign corporations[32] or financial institutions.

The Fund may purchase securities issued or guaranteed by the U.S. or foreign governments (including foreign states, provinces, and municipalities) or their agencies and instrumentalities or issued or guaranteed by international organizations designated or supported by multiple government entities to promote economic reconstruction or development.

The Fund may invest in MBS issued or guaranteed by federal agencies and/or U.S. government sponsored instrumentalities, such as Ginnie Mae, the FHA, Fannie Mae, and Freddie Mac. The MBS in which the Fund may invest will be either pass-through securities or CMOs and may be TBA transactions.[33]

The Fund may purchase or sell securities on a when-issued,[34] delayed delivery, or forward commitment basis, and may enter into repurchase and reverse repurchase agreements.[35]

The Fund may invest in ETFs[36] and/or exchange-traded closed-end funds which invest in Fixed Income Securities.

The Fund may invest without limitation in U.S. dollar-denominated securities of foreign issuers in developed markets. The Fund can invest up to 10% of its assets in non-dollar denominated securities. The Fund can invest up to 10% of its assets in the securities of issuers located in emerging markets (either US dollar-denominated or non-dollar-denominated). The Sub-Adviser may attempt to reduce currency risk by entering into forward contracts.[37]

The Fund may enter into cleared and OTC total return swap agreements that effectively bundle the purchase of foreign bonds and the hedging of foreign currency into a single transaction.[38]

The Fund may invest in securities that are offered pursuant to Rule 144A under the Securities Act.

The Fund may also use leverage to the extent permitted under the 1940 Act by entering into reverse repurchase agreements and borrowing transactions (principally lines of credit) for investment purposes. The Fund's exposure to reverse repurchase agreements will be covered by securities having a value equal to or greater than such commitments. The Exchange represents that, under the 1940 Act, reverse repurchase agreements are considered borrowings. Although there is no limit on the percentage of Fund assets that can be used in connection with reverse repurchase agreements, the Fund does not expect to engage, under normal circumstances, in reverse repurchase agreements with respect to more than 33 1/3% of its assets.

2. Other Investments

While the Fund will, under normal circumstances, invest at least 65% of its assets in the securities and financial instruments described above, the Fund may invest its remaining assets in the securities and financial instruments described below.

The Fund may invest in money market instruments, including other funds which invest exclusively in money market instruments. The Fund may invest in structured notes. In addition to the types of forward contracts and swaps discussed above, the Fund may invest in other types of forward contracts and swaps, as well as options and futures contracts (as described below), each based on fixed-income securities, currencies, or indexes of fixed-income securities or currencies.[39]

The Fund may invest up to 5% of its assets in U.S. exchange-traded equity securities (excluding ETFs and closed-end funds).

C. Investment Restrictions for Each Fund

Each Fund's portfolio holdings that in the aggregate account for at least 75% of the weight of the applicable portfolio each shall have a minimum original principal amount outstanding of $100 million or more. No fixed-income security (excluding Treasury Securities and GSE Securities)[40] held by a Fund shall represent more than 30% of the weight of a Fund's portfolio, and the five most heavily weighted fixed-income securities in a Fund's portfolio shall not in the aggregate account for more than 65% of the weight of the portfolio. Each Fund's portfolio (excluding one consisting entirely of exempted securities) must include a minimum of 13 non-affiliated issuers.

Each Fund may invest up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including securities that are offered pursuant to Rule 144A under the Securities Act, ABS and MBS issued by private entities, loans, and loan commitments deemed illiquid by the Sub-Adviser. A Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of a Fund's net assets are held in illiquid assets.[41] Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

The Funds intend to qualify for and to elect to be treated as separate regulated investment companies under Subchapter M of the Internal Revenue Code.

A Fund may invest up to 20% of its total assets in the aggregate in MBS (which may include CMBS) or ABS issued or guaranteed by private entities. The liquidity of such securities will be a substantial factor in a Fund's security selection process. Such holdings will be subject to the respective limitations on a Fund's investments in illiquid assets and high yield securities.

A Fund may invest up to 20% of its total assets, in the aggregate, in syndicated bank loans, junior loans, bridge loans, unfunded commitments, revolving credit facilities, participation interests, and structured notes. Such holdings will be subject to the respective limitations on a Fund's investments in illiquid assets and high yield securities. The liquidity of such securities will be a substantial factor in a Fund's security selection process.

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[31] *See supra* Section II.A.1. *See also supra* notes 12–21 and accompanying text.

[32] *See* note 22, *supra.*

[33] *See* note 23, *supra.*

[34] *See* note 24, *supra.*

[35] *See* note 25, *supra.*

[36] *See* note 26, *supra.*

[37] *See* note 27, *supra.*

[38] *See* "The Funds' Use of Derivatives," Section II.D. *infra.*

[39] *See* "The Funds' Use of Derivatives," Section II.D. *infra.*

[40] The terms "Treasury Securities" and "GSE Securities" are defined in NYSEArca Equities Rule 5.2(j)(3), Commentary. 02.

[41] In reaching liquidity decisions with respect to Rule 144A securities, the Sub-Adviser may consider the following factors: the frequency of trades and quotes for the security; the number of dealers willing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; and the nature of the security and the nature of the marketplace in which it trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers, and the mechanics of transfer).

The RiverFront Dynamic Unconstrained Income ETF may invest entirely in high yield securities ("junk bonds"). The Sub-Adviser will consider the credit ratings assigned by nationally recognized statistical rating organizations ("NRSROs") as one of several factors in its independent credit analysis of issuers.

The RiverFront Dynamic Core Income ETF may invest up to 15% of its total assets in Fixed Income Securities that are rated below investment grade by NRSROs, or unrated securities that the Sub-Adviser believes are of comparable quality. The Sub-Adviser will consider the credit ratings assigned by NRSROs as one of several factors in its independent credit analysis of issuers.

The Funds will not invest in non-U.S. equity securities.

A Fund's investments will be consistent with a Fund's investment objective and will not be used to enhance leverage. That is, while a Fund will be permitted to borrow as permitted under the 1940 Act, a Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*i.e.*, 2Xs and 3Xs) of a Fund's primary broad-based securities benchmark index (as defined in Form N–1A).[42]

D. The Funds' Use of Derivatives

According to the Exchange, each Fund proposes to seek certain exposures through derivative transactions. Subject to the investment restrictions described above, with respect to each Fund, derivative instruments may include foreign exchange forward contracts; exchange-traded futures on fixed income securities, currencies, and indices of fixed income securities or currencies; exchange-traded and OTC options; exchange-traded and OTC options on futures contracts; exchange-traded and OTC interest rate swaps, cross-currency swaps, total return swaps, inflation swaps, and credit default swaps; and options on such swaps ("swaptions").[43] A Fund may, but is not required to, use derivative instruments for risk management purposes or as part of its investment strategies.[44] The Exchange states that a Fund may also engage in derivative transactions for speculative purposes to enhance total return, to seek to hedge against fluctuations in securities prices, interest rates or currency rates, to change the effective duration of its portfolio, to manage certain investment risks, and/or as a substitute for the purchase or sale of securities or currencies.

The Exchange states that investments in derivative instruments will be made in accordance with the 1940 Act and consistent with a Fund's investment objective and policies. As described further below, a Fund will typically use derivative instruments as a substitute for taking a position in the underlying asset and/or as part of a strategy designed to reduce exposure to other risks, such as currency risk. A Fund may also use derivative instruments to enhance returns. To limit the potential risk associated with such transactions, the Exchange states that a Fund will segregate or "earmark" assets determined to be liquid by the Sub-Adviser in accordance with procedures established by a Fund's Board of Trustees (the "Board") and in accordance with the 1940 Act (or, as permitted by applicable regulation, enter into certain offsetting positions) to cover its obligations under derivative instruments. These procedures have been adopted consistent with Section 18 of the 1940 Act and related Commission guidance. In addition, the Exchange states that a Fund will include appropriate risk disclosure in its offering documents, including leveraging risk.[45]

III. Discussion and Commission Findings

After careful review, the Commission finds that the Exchange's proposal to list and trade the Shares is consistent with the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange.[46] In particular, the Commission finds that the proposed rule change, as modified by Amendment Nos. 1, 2, and 3, is consistent with Section 6(b)(5) of the Exchange Act,[47] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission also finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Exchange Act,[48] which sets forth the finding of Congress that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities.

According to the Exchange, quotation and last sale information will be available via the Consolidated Tape Association ("CTA") high-speed line for the Shares and for U.S. exchange-traded common stocks, ETFs, and closed-end funds. Price information for exchange-traded derivative instruments will be available from the applicable exchange and from major market data vendors. Price information for currency spot and forward rates, swaps, money market instruments, repurchase agreements, reverse repurchase agreements, OTC options, structured notes, syndicated bank loans, junior loans, bridge loans, unfunded commitments, revolving credit facilities, participation interests and OTC derivative instruments will be available from major market data vendors. Intra-day and closing price information for exchange-traded options and futures will be available from the applicable exchange and from major market data vendors. In addition, price information for U.S. exchange-traded options is available from the Options

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[42] A Fund's broad-based securities benchmark index will be identified in a future amendment to the Registration Statement following a Fund's first full calendar year of performance.

[43] Options on swaps are traded OTC. In the future, in the event that there are exchange-traded options on swaps, a Fund may invest in these instruments.

[44] A Fund will seek, where possible, to use counterparties whose financial status is such that the risk of default is reduced; however, the risk of losses resulting from default is still possible. The Sub-Adviser will monitor the financial standing of counterparties on an ongoing basis. This monitoring may include information provided by credit agencies, as well as the Sub-Adviser's credit analysts and other team members who evaluate approved counterparties using various methods of analysis, including but not limited to earnings updates, the counterparty's reputation, the Sub-Adviser's past experience with the broker-dealer, market levels for the counterparty's debt and equity, the counterparty's liquidity and its share of market participation.

[45] Leveraging risk is the risk that certain transactions of a Fund, including a Fund's use of derivatives, may give rise to leverage, causing a Fund to be more volatile than if it had not been leveraged. To mitigate leveraging risk, the Sub-Adviser will segregate or "earmark" liquid assets or otherwise cover the transactions that may give rise to such risk.

[46] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[47] 15 U.S.C. 78f(b)(5).

[48] 15 U.S.C. 78k–1(a)(1)(C)(iii).

Price Reporting Authority. Quotation information from brokers and dealers or independent pricing services will be available for Fixed Income Securities. One source of price information for municipal securities is the Electronic Municipal Market Access ("EMMA"), which is administered by the Municipal Securities Rulemaking Board.

In addition, the Portfolio Indicative Value, as defined in NYSE Arca Equities Rule 8.600(c)(3), will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Core Trading Session.[49] On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, each Fund will disclose on its Web site the Disclosed Portfolio as defined in NYSE Arca Equities Rule 8.600(c)(2) that will form the basis for the Fund's calculation of NAV at the end of the business day.[50]

The NAV for the Shares will be calculated as of the close of the regular trading session on the New York Stock Exchange ("NYSE") (ordinarily 4:00 p.m., Eastern Time) on each day that such exchange is open. A basket composition file, which will include the security names and share quantities required to be delivered in exchange for each Fund's Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of the NYSE via the National Securities Clearing Corporation. Information regarding market price and trading volume for the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. The Web site for the Funds will include a form of the prospectus for each Fund and additional data relating to NAV and other applicable quantitative information.

The Commission further believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. The Commission notes that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio for each Fund will be made available to all market participants at the same time.[51]

Trading in Shares of the Fund will be halted if the circuit-breaker parameters in NYSE Arca Equities Rule 7.12 have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable.[52] Trading in the Shares also will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted.

The Exchange represents that it has a general policy prohibiting the distribution of material, non-public information by its employees. Each of the Adviser and the Sub-Adviser is affiliated with a broker-dealer and has implemented and will maintain a fire wall with respect to its broker-dealer affiliate regarding access to information concerning the composition and/or changes to a Fund portfolio.[53] Further, the Commission notes that the Reporting Authority that provides the Disclosed Portfolio of each Fund must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material, non-public information regarding the actual components of the portfolio.[54]

Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders ("ETP Holders") in an Information Bulletin ("Bulletin") of the special characteristics and risks associated with trading the Shares. The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by the Financial Industry Regulatory Authority ("FINRA") on behalf of the Exchange, or regulatory staff of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[55]

The Exchange represents that it deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. In support of this proposal, the Exchange has also made the following representations:

(1) The Shares will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.600.

(2) All statements and representations made in this filing regarding (a) the description of the portfolio, (b) limitations on portfolio holdings or reference assets, or (c) the applicability of Exchange rules and surveillance procedures shall constitute continued listing requirements for listing the Shares on the Exchange.

(3) The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Funds to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Exchange Act, the Exchange will monitor[56] for compliance with the continued listing requirements. If the Funds are not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSEArca Equities Rule 5.5(m).

(4) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.

(5) Trading in the Shares will be subject to the existing trading surveillances, administered FINRA on behalf of the Exchange, or regulatory staff of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws, and these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of

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[49] Currently, it is the Exchange's understanding that several major market data vendors display and/or make widely available Portfolio Indicative Values taken from CTA or other data feeds.

[50] On a daily basis, the Adviser or Sub-Adviser will disclose on the Funds' Web site the following information regarding each portfolio holding, as applicable to the type of holding: Ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding, such as the type of swap); the identity of the security, commodity, index or other asset or instrument underlying the holding, if any; for options, the option strike price; quantity held (as measured by, for example, par value, notional value or number of shares, contracts or units); maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding; and the percentage weighting of the holding in each Fund's portfolio. The Web site information will be publicly available at no charge. The Funds' disclosure of derivative positions in the Disclosed Portfolio will include information that market participants can use to value these positions intraday.

[51] *See* NYSE Arca Equities Rule 8.600(d)(1)(B).

[52] These may include: (1) The extent to which trading is not occurring in the securities or the financial instruments constituting the Disclosed Portfolio of a Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.

[53] *See supra* note 10. The Exchange represents that an investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940.

[54] *See* NYSE Arca Equities Rule 8.600(d)(2)(B)(ii).

[55] The Exchange states that FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[56] The Commission notes that certain other proposals for the listing and trading of managed fund shares include a representation that the exchange will "surveil" for compliance with the continued listing requirements. *See, e.g.*, Amendment No. 2 to SR–BATS–2016–04, available at: *http://www.sec.gov/comments/sr-bats-2016-04/bats201604-2.pdf*. In the context of this representation, it is the Commission's view that "monitor" and "surveil" both mean ongoing oversight of the Fund's compliance with the continued listing requirements. Therefore, the Commission does not view "monitor" as a more or less stringent obligation than "surveil" with respect to the continued listing requirements.

Exchange rules and federal securities laws applicable to trading on the Exchange.

(6) FINRA, on behalf of the Exchange, or regulatory staff of the Exchange, will communicate as needed regarding trading in the Shares, certain exchange-traded options and futures, and certain exchange-traded equities (including ETFs and closed-end funds) with other markets or other entities that are members of the Intermarket Surveillance Group ("ISG"), and FINRA or regulatory staff of the Exchange may obtain trading information regarding trading in the Shares, certain exchange-traded options and futures, and certain exchange-traded equities from such markets or entities. In addition, the Exchange may obtain information regarding trading in the Shares, certain exchange-traded options and futures, and certain exchange-traded equities from markets or other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain Fixed Income Securities held by the Funds reported to FINRA's Trade Reporting and Compliance Engine.

(7) Prior to the commencement of trading of the Shares, the Exchange will inform its ETP Holders in a Bulletin of the special characteristics and risks associated with trading the Shares. The Bulletin will discuss the following: (a) The procedures for purchases and redemptions of Shares in creation units (and that Shares are not individually redeemable); (b) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (c) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated Intra-day Indicative Value ("IIV") (which is the Portfolio Indicative Value as defined in NYSE Arca Equities Rule 8.600(c)(3)) will not be calculated or publicly disseminated; (d) how information regarding the IIV and the Disclosed Portfolio is disseminated; (e) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (f) trading information.

(8) For initial and continued listing, each Fund will be in compliance with Rule 10A–3 under the Act,[57] as provided by NYSE Arca Equities Rule 5.3.

(9) A minimum of 100,000 Shares of each Fund will be outstanding at the commencement of trading on the Exchange.

(10) The Funds will not invest in non-U.S. equity securities. All ETFs that the Funds will invest in will be listed and traded in the U.S. on a national securities exchange. The Funds will not invest in leveraged or leveraged inverse ETFs.

(11) Not more than 10% of the net assets of a Fund in the aggregate invested in futures contracts or options contracts shall consist of futures contracts or exchange-traded options contracts whose principal market is not a member of ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement.

(12) Each Fund's portfolio holdings that in the aggregate account for at least 75% of the weight of the applicable portfolio each shall have a minimum original principal amount outstanding of $100 million or more. No fixed-income security (excluding Treasury Securities and GSE Securities) held by a Fund shall represent more than 30% of the weight of the Fund's portfolio, and the five most heavily weighted fixed-income securities in the Fund's portfolio shall not in the aggregate account for more than 65% of the weight of the portfolio. Each Fund's portfolio (excluding one consisting entirely of exempted securities) must include a minimum of 13 non-affiliated issuers.

(13) At least 75% of issues of corporate debt securities tied to developed market countries held by a Fund will have $100 million or more par amount outstanding and at least 75% of issues of corporate debt securities tied to emerging market countries held by a Fund will have $200 million or more par amount outstanding.

(14) Under normal market conditions, each Fund generally will seek to invest at least 80% of its corporate loan assets in issuances that have at least $100,000,000 par amount outstanding (if tied to developed countries) and at least $200,000,000 par amount outstanding (if tied to emerging market countries).

(15) Each Fund may invest up to 20% of its total assets in the aggregate in MBS (which may include CMBS) or ABS issued or guaranteed by private entities. The liquidity of such securities will be a substantial factor in a Fund's security selection process. Such holdings would be subject to the respective limitations on a Fund's investments in illiquid assets and high yield securities.

(16) Each Fund may invest up to 20% of its total assets, in the aggregate, in syndicated bank loans, junior loans, bridge loans, unfunded commitments, revolving credit facilities, participation interests, and structured notes. Such holdings would be subject to the respective limitations on a Fund's investments in illiquid assets and high yield securities. The liquidity of such securities will be a substantial factor in a Fund's security selection process.

(17) Each Fund may invest up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including securities that are offered pursuant to Rule 144A under the Securities Act, ABS and MBS issued by private entities, loans and loan commitments deemed illiquid by the Sub-Adviser.

(18) The RiverFront Dynamic Unconstrained Income ETF can invest up to 50% of its assets in the securities of issuers located in emerging markets. The RiverFront Dynamic Core Income ETF can invest up to 10% of its assets in the securities of issuers located in emerging markets.

(19) The RiverFront Dynamic Core Income ETF may invest up to 15% of its total assets in Fixed Income Securities that are rated below investment grade by NRSROs, or unrated securities that the Sub-Adviser believes are of comparable quality.

(20) A Fund's investments will be consistent with a Fund's investment objective and will not be used to enhance leverage. That is, while a Fund will be permitted to borrow as permitted under the 1940 Act, a Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*i.e.*, 2Xs and 3Xs) of a Fund's primary broad-based securities benchmark index (as defined in Form N–1A).

(21) Investments in derivative instruments will be made in accordance with the 1940 Act and consistent with a Fund's investment objective and policies. To limit the potential risk associated with such transactions, a Fund will segregate or "earmark" assets determined to be liquid by the Sub-Adviser in accordance with procedures established by a Fund's Board of Trustees and in accordance with the 1940 Act (or, as permitted by applicable regulation, enter into certain offsetting positions) to cover its obligations under derivative instruments. In addition, a Fund will include appropriate risk disclosure in its offering documents, including leveraging risk. To mitigate leveraging risk, the Sub-Adviser will segregate or "earmark" liquid assets or otherwise cover the transactions that may give rise to such risk.

This approval order is based on all of the Exchange's representations, including those set forth above, in the Notice, and in Amendment Nos. 1, 2, and 3. The Commission notes that the Funds and the Shares must comply with the requirements of NYSE Arca Equities Rule 8.600 to be initially and continuously listed and traded on the Exchange.

IV. Solicitation of Comments on Amendment Nos. 1, 2, and 3

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether Amendment Nos. 1, 2, and 3 to the proposed rule change are consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2015–125 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2015–125. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's

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[57] 17 CFR 240.10A–3.

Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2015–125 and should be submitted on or before May 2, 2016.

V. Accelerated Approval of Proposed Rule Change, as Modified by Amendment Nos. 1, 2, and 3

The Commission finds good cause to approve the proposed rule change, as modified by Amendment Nos. 1, 2, and 3, prior to the 30th day after the date of publication of notice of Amendment Nos. 1, 2, and 3 in the **Federal Register**. Amendment Nos. 1, 2, and 3 revised the proposed rule change by: (1) Clarifying that each Fund will invest at least 65% of its assets in the securities and financial instruments described under the headings "Principal Investments;" (2) clarifying the portfolio construction and asset allocation methodology of the Funds; (3) further defining the characteristics of the Fixed Income Instruments in which the Funds may invest; (4) modifying the investment restrictions of each Fund; (5) clarifying how certain investments will be valued for computing each Fund's NAV; (6) describing where price information can be obtained for certain investments of the Funds; and (7) providing additional representations relating to the continued listing requirements for listing the Shares on the Exchange, including issuer notification requirements if a Fund fails to comply with such continued listing requirements, and Exchange surveillance obligations relating to such continued listing requirements.

Amendment Nos. 1, 2, and 3 supplement the proposed rule change by, among other things, clarifying the scope of the Funds' permitted investments and investment restrictions and providing additional information about the availability of pricing information for the Funds' underlying assets. They also help the Commission evaluate whether the listing and trading of the Shares of the Funds would be consistent with the protection of investors and the public interest.

Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[58] to approve the proposed rule change, as modified by Amendment Nos. 1, 2, and 3 on an accelerated basis.

VI. Conclusion

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Exchange Act,[59] that the proposed rule change (SR–NYSEArca–2015–125), as modified by Amendment Nos. 1, 2, and 3 thereto, be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[60]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–08182 Filed 4–8–16; 8:45 am]

BILLING CODE 8011–01–P

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[58] 15 U.S.C. 78s(b)(2).

[59] 15 U.S.C. 78s(b)(2).

[60] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77523; File No. SR–FINRA–2016–006]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Approving a Proposed Rule Change To Amend FINRA Rules 7410 (Definitions) and 7440 (Recording of Order Information)

April 5, 2016.

I. Introduction

On February 11, 2016, the Financial Industry Regulatory Authority, Inc. ("FINRA"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] filed with the Securities and Exchange Commission ("Commission") a proposal to amend FINRA Rules 7410 and 7440 to require FINRA members to include on their Order Audit Trail System ("OATS") reports the identity of broker-dealers that are not FINRA members when the member receives an order from such a broker-dealer. The proposed rule change was published for comment in the **Federal Register** on February 25, 2016.[3] The Commission received no comments on the proposal. This order approves the proposed rule change.

II. Description of the Proposed Rule Change

First, FINRA proposes to define an "SRO-assigned identifier" in Rule 7410 as "a unique identifier assigned to a broker or dealer by a national securities exchange or national securities association for use by such broker or dealer when accessing the exchange or a facility of the association." The identifier would be considered "unique" if the identifier assigned by the exchange or association is used to identify a single broker-dealer.[4]

Second, FINRA is proposing to amend Rule 7440 of the OATS rules to require members that are subject to the OATS rules ("Reporting Members") to identify non-FINRA-member broker-dealers ("Non-Member Firms") from which they receive orders, on the OATS report for the order.[5] Under the proposed rule change, Reporting Members that receive an order from a "Reportable Non-Member" (a U.S.-registered broker-dealer that is not a FINRA member or a broker-dealer that is not registered in the U.S. but has received an SRO-assigned identifier in order to access certain FINRA trade reporting facilities) would be required to identify that broker-dealer when reporting receipt of the order to OATS.[6] Reporting Members that receive an order from, or route an order to, a Non-Member Firm would report one of the following: the Non-Member Firm's Central Registration Depository ("CRD ®") number, the Non-Member Firm's SRO-assigned identifier, or, for a Non-Member Firm that does not have a CRD number or SRO-assigned identifier (*e.g.*, a foreign broker-dealer), a value indicating that the Non-Member Firm has no CRD number or SRO-assigned identifier.[7] The proposed rule

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 77180 (February 19, 2016), 81 FR 9545 ("Notice").

[4] *See* Notice, *supra* note 3, at 9546, note 4.

[5] FINRA Rule 7410(o) defines a Reporting Member as "a member that receives or originates an order and has an obligation to report information under Rules 7440 and 7450." The rule also has exceptions. *See* FINRA Rule 7410(o)(1) and (2).

[6] *See* Notice, *supra* note 3, at 9545–6. Certain broker-dealers registered in Canada, but not in the U.S., have SRO-assigned identifiers so that they can access FINRA trade reporting facilities pursuant to FINRA Rule 7220A or 7320. *Id.* at 9546, n. 5.

[7] *See* Notice, *supra* note 3, at 9546. The *OATS Reporting Technical Specifications* currently require that OATS reports include an identifier for each national securities exchange to which an order

Continued

change does not mandate which identifier Reporting Members must use.[8] FINRA will be able to obtain the identity of Reportable Non-Members from the OATS report which will make its audit trail more comprehensive.[9] FINRA will use the information to identify Non-Member Firm activity in the over-the-counter market, as well as Non-Member Firm sponsored access activity.

III. Discussion

After careful review, the Commission finds that FINRA's proposal is consistent with the requirements of Section 15A of the Act[10] and the rules and regulations thereunder applicable to a national securities association.[11] In particular, the Commission finds that the proposed rule change is consistent with Section 15A(b)(6) of the Act,[12] which requires, among other things, that FINRA rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

The proposed rule change will provide FINRA, via OATS reports, the identity of Reportable Non-Members that route orders or to which an order has been routed, which will make the OATS reports more complete. Having the information regarding which Reportable Non-Member was involved in a transaction will enable FINRA to better surveil off-exchange market activity as well as enhance the surveillance it performs of exchange activity pursuant to its Regulatory Services Agreements. FINRA will be able to consistently identify Non-Member Firm activity, providing FINRA with a more complete view of such activities across all exchanges and over-the-counter market centers.

The Commission believes that requiring Reporting Members to include the identity of Reportable Non-Members in OATS reports on orders they receive from either a U.S.-registered broker-dealer that is not a FINRA member or a broker-dealer that is not registered in the U.S. but has received an SRO-assigned identifier, will provide FINRA with a more complete view of such market participants' activities across exchanges and over-the-counter market centers. This, in turn, should enhance FINRA's cross-market surveillance efforts. Improved surveillance should help FINRA detect and deter fraudulent and manipulative acts and practices, and thus promote just and equitable principles of trade and the protection of investors and the public interest.

IV. Conclusion

It Is Therefore Ordered pursuant to Section 19(b)(2) of the Act[13] that the proposed rule change (SR–FINRA–2016–006), be and hereby is approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–08183 Filed 4–8–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77543; File No. 265–29]

Equity Market Structure Advisory Committee

AGENCY: Securities and Exchange Commission.

ACTION: Notice of meeting.

SUMMARY: The Securities and Exchange Commission Equity Market Structure Advisory Committee is providing notice that it will hold a public meeting on Tuesday, April 26, 2016, in Multi-Purpose Room LL–006 at the Commission's headquarters, 100 F Street NE., Washington, DC. The meeting will begin at 9:30 a.m. (EDT) and will be open to the public. The public portions of the meeting will be webcast on the Commission's Web site at *www.sec.gov.* Persons needing special accommodations to take part because of a disability should notify the contact person listed below. The public is invited to submit written statements to the Committee. The meeting will focus on updates and potential recommendations from the four subcommittees.

DATES: The public meeting will be held on Tuesday, April 26, 2016. Written statements should be received on or before April 20, 2016.

ADDRESSES: The meeting will be held at the Commission's headquarters, 100 F Street NE., Washington, DC. Written statements may be submitted by any of the following methods:

Electronic Statements

- Use the Commission's Internet submission form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email message to *rule-comments@sec.gov.* Please include File Number 265–29 on the subject line; or

Paper Statements

- Send paper statements in triplicate to Brent J. Fields, Federal Advisory Committee Management Officer, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. 265–29. This file number should be included on the subject line if email is used. To help us process and review your statement more efficiently, please use only one method. The Commission will post all statements on the Commission's Internet Web site at SEC Web site at (*http://www.sec.gov/comments/265–29/265–29.shtml*).

Statements also will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Room 1580, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. All statements received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Arisa Tinaves Kettig, Special Counsel, at (202) 551–5676, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–7010.

SUPPLEMENTARY INFORMATION: In accordance with Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C.-App. 1, and the regulations thereunder, Stephen Luparello, Designated Federal Officer of the Committee, has ordered publication of this notice.

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is routed. However, the current *OATS Reporting Technical Specifications* do not require that the identity of the specific Non-Member Firm to which an order is routed be provided. To address this gap and to conform the reporting of orders received from and orders routed to Non-Member Firms, FINRA intends to update the *OATS Reporting Technical Specifications* to reflect the revised requirements. *See OATS Reporting Technical Specifications,* at 4–4, and A–4 to A–5 (October 12, 2015 ed.). *Id.* at 9546–7.

[8] *See* Notice, *supra* note 3, at 9546.

[9] *See* Notice, *supra* note 3, at 9547. FINRA stated that if the Commission approved the proposed rule change, it would announce the effective date of the proposed rule no later than 60 days following Commission approval, and the effective date would be no later than 120 days following Commission approval. *Id.*

[10] 15 U.S.C. 78(f).

[11] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

[12] 15 U.S.C. 78*o*–3(b)(6).

[13] 15 U.S.C. 78s(b)(2).

[14] 17 CFR 200.30–3(a)(12).

Dated: April 6, 2016.

Brent J. Fields,

Committee Management Officer.

[FR Doc. 2016–08228 Filed 4–8–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77520; File No. SR–NYSEArca–2016–51]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending NYSE Arca Equities Rule 7.16 To Specify That Sell Short Post No Preference Orders and Sell Short PNP Blind Orders Priced At or Below the National Best Bid Will Be Rejected on Arrival During the Short Sale Period

April 5, 2016.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the "Act"),[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on March 24, 2016, NYSE Arca, Inc. (the "Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE Arca Equities Rule 7.16 ("Short Sales") to specify that Post No Preference ("PNP") orders and PNP Blind orders priced at or below the national best bid will be rejected on arrival during the Short Sale Period. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

NYSE Arca Equities Rule 7.16 ("Rule 7.16") governs the treatment of sell short orders on the Exchange to comply with the requirements of Rule 201 of Regulation SHO.[4] Currently, 7.16(f)(v)(D)(ii) provides, in part, that PNP Blind Orders will be re-priced and displayed at a Permitted Price[5] during the Short Sale Period.[6] The Exchange recently determined that, during a Short Sale Period, if the Exchange's best bid is the national best bid, PNP Blind short sale orders do not re-price to a Permitted Price but rather, the orders execute at the national best bid.

To address this issue, the Exchange is proposing to amend Rule 7.16(f)(v) by adding new subsection (H) to provide that, during a Short Sale Period, the Exchange would reject on arrival sell short PNP Orders and sell short PNP Blind Orders priced at or below the national best bid.[7]

The Exchange believes that the proposed change would eliminate the potential for sell short PNP Orders and PNP Blind Orders to execute at the national best bid during a Short Sale Period.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the "Act"), in general, and furthers the objectives of Section 6(b)(5),[8] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would eliminate the potential for sell short PNP Orders and PNP Blind Orders to trade at the national best bid during a Short Sale Period. The Exchange further believes that the proposed rule change is reasonable and appropriate and designed to prevent fraudulent and manipulative acts because it provides more certainty to members and the investing public of how the Exchange will treat incoming short sale PNP Orders and short sale PNP Blind Orders during a Short Sale Period.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is not designed to address any competitive issue but rather to eliminate the potential for sell short PNP Orders and PNP Blind Orders to trade at the national best bid during a Short Sale Period.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(6) thereunder.[10]

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[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 17 CFR 242.201.

[5] Rule 7.16(f)(v)(C) defines the term "Permitted Price" as one minimum price increment above the current national best bid. The Permitted Price for securities for which the national best bid is $1 or more is $.01 above the national best bid; the Permitted Price for securities for which the national best bid is below $1 is $.0001 above the national best bid.

[6] A "Short Sale Period" is defined in Rule 7.16(f)(iv) as the period during which the Short Sale Price Test is in effect. A Short Sale Price Test is defined in Rule 7.16(f)(ii) as the period when the Exchange will not execute or display a short sale order with respect to a covered security at a price that is less than or equal to the current national best bid if the price of that security decreases 10% or more, as determined by the listing market for the security, from the security's closing price on the listing market as of the end of regular trading hours on the prior day. Rule 7.16P, rather than Rule 7.16, governs the treatment of sell short orders for symbols trading on the Exchange's Pillar trading platform.

[7] Due to technology limitations, the Exchange is not able to address this issue without rejecting both sell short PNP Orders and sell short PNP Blind Orders priced at or below the national best bid during the Short Sale Period. As such, the proposed rule text specifies that the Exchange would reject both sell short PNP Orders and sell short PNP Blind Orders, received during the Short Sale period, priced at or below the national best bid.

[8] 15 U.S.C. 78f(b)(5).

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[11] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[12] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange stated that the proposed rule change is designed to assure compliance with Rule 201 of Regulation SHO[13] by assuring that the Exchange will not execute or display a sell short PNP or a sell short PNP Blind order at or below the national best bid during a Short Sale Period. The Exchange further stated that waiver of the operative delay would allow the Exchange to implement the rule change without delay, which would help eliminate potential investor confusion regarding how sell short PNP and PNP Blind Orders will be treated on arrival during a Short Sale Period. The Commission believes the waiver of the operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2016–51 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2016–51. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2016–51, and should be submitted on or before May 2, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–08180 Filed 4–8–16; 8:45 am]

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[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] 17 CFR 242.201.

[14] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77516; File No. SR–NYSEArca–2016–15]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1, To Amend Rule 6.67(c) by Revising the Clearing Member Requirements for Entering an Order Into the Electronic Order Capture System ("EOC")

April 5, 2016.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the "Act")[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 22, 2016, NYSE Arca, Inc. (the "Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. On March 30, 2016, the Exchange filed Amendment No. 1 to the proposed rule change. The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 6.67(c) by revising the requirements for entering an order into the Electronic Order Capture System ("EOC"). The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

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[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 6.67(c) by revising the requirements for entering an order into the EOC. Specifically, the Exchange proposes to eliminate the pre-trade EOC requirement that OTP Holders or OTP Firms (each an "OTP"; collectively, "OTPs") give up the name of the Clearing Member[4] responsible for clearing each trade before representing a trade in open outcry.[5]

The EOC is the Exchange's floor-based electronic audit trail and order tracking system that provides an accurate time-sequenced record of all orders and transactions entered and executed on the floor of the Exchange.[6] This process, commonly referred to as the "systemization" of an order, is composed of the contractual terms of an order that are required to be disclosed in order to effect a trade. The EOC was developed to comply with an order of the Commission, which required that the Exchange, in coordination with other exchanges, "design and implement a consolidated options audit trail system ('COATS')," that would "enable the options exchanges to reconstruct markets promptly, effectively surveil them and enforce order handling, firm quote, trade reporting and other rules."[7] In particular, the Exchange was required incorporate into the audit trail all non-electronic orders "such that the audit trail provides an accurate, time-sequenced record of electronic and other orders, quotations and transactions on such respondent exchange, beginning with the receipt of an order by such respondent exchange and further documenting the life of the order through the process of execution, partial execution, or cancellation of that order, which audit trail shall be readily retrievable in the common computer format."[8]

Current Rule 6.67(c) sets forth the EOC entry requirements and mandates that every OTP that receives an order for execution on the Exchange "must immediately, prior to representation in the trading crowd, record the details of the order (including any modification of the terms of the order or cancellation of the order) into the EOC, unless such order has been entered into the Exchange's other electronic order processing facilities (*e.g.*, orders sent electronically through the Exchange's Member Firm Interface)."[9] Among other pre-trade EOC requirements under current Rule 6.67(c)(1), every OTP must provide "the name of the clearing OTP Holder or OTP Firm" (the "Give Up Requirement").[10] Rule 6.67(c)(1) also provides that "[t]he remaining elements prescribed in Rule 6.68(a) and any additional information with respect to the order shall be recorded as the events occur and/or during trade reporting procedures which may occur after the representation and execution of the order."[11]

Pursuant to the proposed rule change, OTPs would no longer be subject to the pre-trade Give Up Requirement. Floor Brokers have told the Exchange that the identity of the firm through which each trade will clear is not always initially provided when an order is presented and that waiting to receive this information and enter it into EOC can delay the representation and execution of an order. In today's trading environment of rapidly moving markets and the need to execute an order and hedge a trade in real or near real time, even a slight delay can prove to be detrimental to the handling of an order. The proposed change to eliminate the Give Up Requirement prior to execution of each trade would not impair the Exchange's ability to comply with the Order. Specifically, the EOC would still provide an accurate, time-sequenced record beginning with the receipt of an order and document the life of the order through the process of execution, partial execution, or cancellation. Entry of information pursuant to the Give Up Requirement would occur after the order had been represented and executed in the Trading Crowd.[12] Thus, only the timing of the disclosure of such information would be affected by this proposal.

The Exchange notes that, similar to a filing it submitted in 2013,[13] the proposed rule change relates only to the system entry requirements for floor-based orders and would not change rules governing the record of orders (Rule 6.68). Floor Brokers would continue to be required to maintain proper order records, as part of each trade record, including the identity of the clearing OTP Holder or Firm.[14] In that regard, Floor Brokers would continue to be required to give up the responsible Clearing Member on each trade as part of each trade record.[15]

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[4] Rule 6.1(3) defines "Clearing Member" as an Exchange OTP which has been admitted to membership in the Options Clearing Corporation pursuant to the provisions of the Rules of the Options Clearing Corporation.

[5] In Amendment No. 1, the Exchange clarified that it is proposing to amend the timing in which Clearing Member information will be entered into the EOC. More specifically, the Exchange noted that Rule 6.67(c) requires the other items included in Rule 6.68(a), including the "CMTA Information and the name of the clearing OTP Holder or Firm," to be included in the EOC "as the events occur and/or during trade reporting procedures which may occur after the representation and execution of the order."

[6] This system includes the electronic communications interface between booth terminals and the Floor Broker work stations.

[7] *See* Section IV.B.e.(v) of the Commission's Order Instituting Public Administrative Proceedings Pursuant to Sections 19(h)(1) of the Securities Exchange Act of 1934, Making Findings and Imposing Remedial Sanctions (the "Order"). *See* Securities Exchange Act Release No. 43268 (September 11, 2000) and Administrative Proceeding File No. 3–10282.

[8] *See id.*

[9] *See* Rule 6.67(c).

[10] *See* Rule 6.67(c)(1)(vii). Rule 6.67(c)(1) also requires the following data points to be entered upon receipt of an order: (i) The option symbol; (ii) the expiration date of the option; (iii) the exercise price; (iv) buy or sell with applicable limit or stop price or special instructions; (v) call or put; (vi) the quantity of contracts; as well as such other information as may be required by the Exchange from time to time. Rule 6.67(c)(1) also provides that the Exchange may also require additional information if needed and provides that the remaining data elements prescribed in Rule 6.68 [*see infra* n. 10] are to be recorded as the events occur and/or during trade reporting procedures. The Exchange proposes to add the words "in the EOC" to Rule 6.67(c)(1) to make clear where the additional information would be recorded. *See* proposed Rule 6.67(c)(1).

[11] *See* Rule 6.67(c)(1). The Exchange notes that one such element prescribed in Rule 6.68(a) to be recorded by each OTP is "CMTA Information and the name of the clearing OTP Holder or Firm," and therefore, per Rule 6.67(c)(1), this information would still be disclosed "as the events occur and/or during trade reporting procedures which may occur after the representation and execution of the order." *Id. See also* Rule 6.68(a) (Record of Orders) (requiring that OTP Holders and OTP Firms maintain a record of each order that includes that the following data elements: (1) CMTA Information and the name of the clearing OTP Holder or Firm; (2) options symbol, expiration month, exercise price and type of options; (3) side of the market and order type; (4) quantity of options; (5) limit or stop price or special conditions; (6) opening or closing transaction; (7) time in force; (8) account origin code; and (9) whether the order was solicited or unsolicited.) *See also* Rule 6.69 (Reporting Duties), *infra* n. 12.

[12] *See id.; see also* Commentary .01 to Rule 6.69 (providing that for each transaction executed on the Options Floor, the responsible OTP Holder or OTP Firm will immediately report, among other information, both its assigned broker initial code and the name of the contra clearing member).

[13] *See* Securities and Exchange Act Release 69080 (March 8, 2013), 78 FR 16329, 16330 (March 14, 2013) (SR–NYSEArca–2013–21) (noting that "[b]ecause the CMTA information, the opening/closing designation, the account origin code, the time if force and whether an order was solicited or unsolicited are not contractual terms of a trade itself nor are they required data elements pursuant to the Exchange's order format requirements, the Exchange does not believe this information needs to be entered into the EOC prior to an order being represented in the Trading Crowd, but may be entered contemporaneously upon the receipt of such information, even if that occurs after the order had been represented and executed in the Trading Crowd").

2. Statutory Basis

The Exchange believes that the proposed change is consistent with Section 6(b) of the Act,[16] in general, and furthers the objectives of Section 6(b)(5),[17] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitation transactions in securities, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [18] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Specifically, the proposed change to order entry requirements for the EOC (*i.e.,* eliminating the pre-trade Give Up) is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities by ensuring that the terms of an order continue to be properly systematized prior to the order being represented in the Trading Crowd. The proposed change to eliminate the Give Up Requirement prior to execution of each trade would not impair the Exchange's ability to comply with the Order. Specifically, the EOC would still provide an accurate, time-sequenced record of electronic and other orders, quotations and transactions, beginning with the receipt of the order and documenting the life of the order through the process of execution, partial execution, or cancellation.[19]

The proposal is also designed to prevent fraudulent and manipulative acts and practices, by ensuring that the Exchange is continues to meet its obligation to create and maintain a time-sequenced record of orders, quotations and transactions on the Exchange. This proposal does not alter—or, as stated above, impair, the Exchange's obligation to incorporate into its audit trail all non-electronic orders to provide an accurate, time-sequenced record of electronic and other orders, quotations and transactions that documents the life of the order from receipt through the execution, partial execution, or cancellation.[20] Moreover, the proposed change merely removes the Give Up Requirement from pre-trade systemization, it does not alter that give ups must be disclosed as part of the Give Up Process and as part of trade reporting on the Exchange.[21] Accordingly, nothing in this proposal would alter the Exchange's obligations pursuant to, or ability to comply with, the Order. The Exchange notes that it has previously modified the non-contractual data elements required pursuant to Rule 6.67(c) (*i.e.,* not mandated by the Order).[22]

Finally, the Exchange believes that the proposed change would reduce the burden on Floor Brokers to enter order information prior to representation which would, in turn, promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market by reducing the delay in representation and execution of an order on the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that this proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change would reduce the burden on Floor Brokers that have reported that the identity of the firm through which each trade will clear is not always initially provided when an order is presented and that waiting to receive this information and enter it into EOC can delay the representation and execution of an order. By reducing Floor Brokers' burden on order entry compliance, the Exchange believes the proposal will improve the competitiveness of Exchange Floor Brokers, by enabling more timely executions of open outcry trades and promoting competition for order flow among market participants and the options exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–NYSEArca–2016–15 on the subject line.

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[14] The Exchange notes that another exchange has made modifications to its rules related to the Order. *See* Securities Exchange Act Release No. 63071 (October 8, 2010), 75 FR 63876, 63877–78 (October 18, 2010) (SR–Phlx–2010–139) (immediately effective filing to amend language related to the timing of the entry of clearing information, noting in relevant part that "[t]he clearing information, which is the contra-side clearing information, is not required to be entered pursuant to COATS. Rather, this information facilitates the identification of the trade for clearing."). The Exchange notes that the Philadelphia Stock Exchange proposed these changes to its rules without solicitation of the exchanges that were subject to the Order, including the Exchange. Accordingly, the Exchange believes that exchanges' changes to their rules put in place to comply with the Order are appropriately effected pursuant to the provisions of Section 19(b)(1) of the Act and Rule 19b–4 thereunder. *See* 15 U.S.C. 78s(b)(1); 17 CFR 240.19b–4.

[15] *See supra* nn. 11, 12. In addition, the Exchange notes that this proposal would not change rules governing trade reporting requirements (Rule 6.69) (*i.e.,* that "[t]ransactions not reported to [the Options Pricing Reporting Authority] within 90 seconds after the execution will be designated as 'late,'" per Rule 6.69(a)). The Exchange also notes that last year it revised and detailed the process in which an OTP "gives up" or selects a Clearing Member responsible for the clearance of an Exchange transaction (the "Give Up Process"). *See* Securities and Exchange Act Release 75641 (August 7, 2015), 80 FR 48577 (August 13, 2015) (SR–NYSEArca–2015–65) (revising the Exchange's Give Up Process through modifications to Rules 6.15, 6.66 and 6.79).

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

[18] *Id.*

[19] *See supra* n. 7.

[20] *Id.*

[21] *See supra* nn. 11, 12, 15.

[22] *See supra* n. 13.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–NYSEArca–2016–15. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–NYSEArca–2016–15, and should be submitted on or before May 2, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–08178 Filed 4–8–16; 8:45 am]

BILLING CODE 8011–01–P

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[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77521; File No. SR–NYSEArca–2016–53]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the NYSE Arca Options Fee Schedule To Add Fees for Reserve Market Maker Options Trading Permits

April 5, 2016

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the "Act")[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 25, 2016, NYSE Arca, Inc. (the "Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Options Fee Schedule ("Fee Schedule") to add fees for Reserve Market Maker Options Trading Permits. The Exchange proposes to implement the fee change effective April 1, 2016. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to add fees for Reserve Market Maker Options Trading Permits (each a "Reserve OTP").

Under the current NYSE Arca Fee Schedule (Fee Schedule),[4] an OTP Holder or OTP Firm[5] acting as a Market Maker must pay a monthly fee for each Options Trading Permit ("OTP") it utilizes.[6] In order to act as a Market Maker[7] on the Exchange Floor, an individual must be specifically named on the relevant Market Maker's OTP. On occasions when a Market Maker operating on the Floor may is [sic] absent, the OTP Holder or OTP Firm may wish to have a Market Maker Authorized Trader[8] ("MMAT") employee engage in open outcry trading to cover for the absent Market Maker. However, an MMAT may only step in to cover for the absent Market Maker if it is specifically named on the relevant OTP; if such individual is not named, the OTP Holder or OTP Firm would be charged the full monthly fee if it activates the OTP to allow that individual to stand in for as briefly as one day.[9]

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[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Fee Schedule, *available here, https://www.nyse.com/publicdocs/nyse/markets/arca-options/NYSE_Arca_Options_Fee_Schedule.pdf.*

[5] An OTP Holder is a natural person, in good standing, that has been issued an OTP. *See* Rule 1.1.(q). An OTP Firm is a sole proprietorship, partnership, corporation, limited liability company or other organization in good standing, who has been issued an OTP or upon whom an OTP Holder has conferred trading privileges on the Exchange. *See* Rule 1.1.(r).

[6] OTPs are issued by the Exchange for effecting approved securities transactions on the Exchange's Trading Facilities. *See* Rule 1.1.(p). The cost of each OTP ranges from $6,000, for the first OTP, to $1,000 for the fifth or greater OTP, as the cost decreases as the number of OTPs utilized per month increases. *See supra* n. 4. The first OTP allows a Market Maker to quote in up to 175 issues; a Market Maker is required to have four OTPs to quote all issues on the Exchange. *See id.*

[7] A Market Maker is an individual who is registered with the Exchange for the purpose of making transactions as a dealer-specialist on the Floor of the Exchange or for the purpose of submitting quotes electronically and making transactions as a dealer-specialist through the NYSE Arca OX electronic trading system. *See* Rule 6.32(a).

[8] A Market Maker Authorized Trader is an authorized trader who performs market making activities pursuant to Rule 6 on behalf of an OTP Holder or OTP Firm registered as a Market Maker. *See* Rule 6.1A(a)(9). A Market Maker Authorized Trader must meet the same registration requirements as a Market Maker before they can be designated as a Market Maker Authorized Trader. *See* Rule 6.33.

[9] The Monthly OTP fee is based on the maximum number of OTPs held by an OTP Firm or OTP

Continued

To provide an option to Market Maker firms to address such short-term absences in a more economical way, the Exchange recently adopted paragraph (i) to Rule 6.2 (Admission to and Conduct on the Options Trading Floor) to create a Reserve OTP.[10] A Reserve OTP would permit an OTP Holder or OTP Firm to have a qualified MMAT employee cover for the absent Market Maker under the firm's OTP, effectively empowering the individual acting as a qualified MMAT to act as a Market Maker in lieu of the absent individual until such time as the absent Market Maker returns.[11]

The Exchange now proposes to charge each OTP Holder and OTP Firm a $175 monthly fee for a Reserve OTP. The fee would be assessed to each OTP Holder and OTP Firm that notifies the Exchange that it would like to utilize a Reserve OTP, such that an MMAT in its employ would be eligible to be named to the OTP to act as a Floor Market Maker to cover for another Floor Market Maker who is otherwise absent from the Trading Floor that day. The proposed fee change would be implemented on April 1, 2016.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[13] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes the proposed fee is equitably allocated and not unfairly discriminatory because it would apply equally to all OTP Holders or OTP Firms that opt to utilize the Reserve OTP alternative. The Exchange believes that the proposed fee is reasonable because it provides a method for OTP Holders and OTP Firms to have fully qualified personnel step in for absent employees without having to pay the full fee every month that the OTP is used by such substitute persons. The Exchange believes the option of a Reserve OTP would encourage the efficient use of personnel resources for OTP Holders and OTP Firms, which contributes to fair and orderly markets. The Exchange notes that the proposed $175 fee is consistent with fees on other option exchanges.[14]

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[15] the Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The proposed fee would enable the Exchange to compete more effectively with options exchanges that already provide the cost-effective alternative of a "Reserve" trading permit to address personnel coverage for absent Floor Market Makers.[16] The Exchange believes that by improving the competitiveness of Exchange Market Makers it would, in turn, promote competition for order flow among market participants and the options exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[17] of the Act and subparagraph (f)(2) of Rule 19b–4[18] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[19] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEARCA–2016–53 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca-2016–53. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from

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Holder during a calendar month. *See supra* n. 4, endnote 1.

[10] *See* Securities Exchange Act Release No. 77440 (March 24, 2016), (SR–NYSEArca-2016–50) (adopting Reserve OTP on immediately effective basis, with waiver of 30-day operative delay). In its filing, the Exchange noted that other options exchanges likewise offer a "Reserve" concept. *See, e.g.*, Securities Exchange Act Release No. 66237 (January 25, 2012), 77 FR 4848 (January 31, 2012) (SR–NYSEAmex–2012–02) (amending Rule 902NY to create a Reserve Floor Market Maker Amex Trading Permit ("Reserve ATP")).

[11] *See id.; see also* Rule 6.2(i).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4) and (5).

[14] *See* NYSE Amex Options Fee Schedule, Section III.A. (charging $175 monthly fee for Reserve Floor Market Maker ATP), *available here, https://www.nyse.com/publicdocs/nyse/markets/amex-options/NYSE_Amex_Options_Fee_Schedule.pdf.*

[15] 15 U.S.C. 78f(b)(8).

[16] *See supra* n. 14.

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(2).

[19] 15 U.S.C. 78s(b)(2)(B).

submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca-2016–53, and should be submitted on or before May 2, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–08181 Filed 4–8–16; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 9513]

Bureau of Political-Military Affairs, Directorate of Defense Trade Controls: Notifications to the Congress of Proposed Commercial Export Licenses

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State has forwarded the attached Notifications of Proposed Export Licenses to the Congress on the dates indicated on the attachments pursuant to sections 36(c) and 36(d), and in compliance with section 36(f), of the Arms Export Control Act.

DATES: As shown on each of the 33 letters.

FOR FURTHER INFORMATION CONTACT: Ms. Lisa V. Aguirre, Directorate of Defense Trade Controls, Department of State, telephone (202) 663–2830; email *DDTCResponseTeam@state.gov.* ATTN: Congressional Notification of Licenses.

SUPPLEMENTARY INFORMATION: Section 36(f) of the Arms Export Control Act (22 U.S.C. 2778) mandates that notifications to the Congress pursuant to sections 36(c) and 36(d) must be published in the **Federal Register** when they are transmitted to Congress or as soon thereafter as practicable.

Following are such notifications to the Congress:

October 01, 2015

Honorable John A. Boehner, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the United Arab Emirates, France and the United Kingdom to support the integration, operation, training, testing, repair and operational level maintenance of the Maverick AGM–65 Weapons System and Paveway II, Paveway III, Enhanced Paveway II, and Enhanced Paveway III Weapons Systems for end-use by the United Arab Emirates.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–064.

October 16, 2015

Honorable John A. Boehner, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the transfer of technical data and defense services to support the replication of the Have Quick I/II and SATURN Electronic Counter-Counter Measure (ECCM) for integration into Radio Communications equipment in Germany.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–027.

October 16, 2015

Honorable John A. Boehner, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data and defense services for the marketing, sale, and support of the ScanEagle UAS and the Integrator UAS to the United Arab Emirates.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–041.

October 23, 2015

Honorable Joseph R. Biden, *President of the Senate.*

Dear Mr. President: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearm, parts and components abroad controlled under Category I of the United States Munitions List in amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of various calibers of machine guns to the government of Lebanon.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–090.

October 23, 2015.

Honorable Joseph R. Biden, Jr. *President of the Senate.*

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[20] 17 CFR 200.30–3(a)(12).

Dear Mr. President: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a license for the export of firearms, parts and components abroad controlled under Category I of the United States Munitions List, including technical data, and defense services in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the Government of Saudi Arabia, related to M2 .50 cal. and M240 7.62mm machine guns.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–079.

October 23, 2015

Honorable Joseph R. Biden, *President of the Senate.*

Dear Mr. President: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Canada, Saudi Arabia and the United Kingdom to support the C–130 Air Crew Training Device Program.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–078.

October 23, 2015

Honorable Joseph R. Biden, *President of the Senate.*

Dear Mr. President: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms, parts and components abroad controlled under Category I of the United States Munitions List in amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of M4 Type Carbines to the Hashemite Kingdom of Jordan.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. 15–076.

October 23, 2015

Honorable Joseph R. Biden, Jr., *President of the Senate.*

Dear Mr. President: Pursuant to Sections 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the United Kingdom for the manufacture of Joint Strike Fighter airframe parts and components.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Acting Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–055.

October 23, 2015

Honorable Joseph R. Biden, Jr., *President of the Senate.*

Dear Mr. President: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Japan to support the design, manufacture, test, overhaul, maintenance, repair, and operation of the AN/APG–63(v)1 radar system retrofit kits for the F–15J/DJ aircraft.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–068.

October 23, 2015

Honorable Joseph R. Biden, Jr., *President of the Senate.*

Dear Mr. President: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms, parts, and components abroad controlled under Category I of the United States Munitions List in amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of 5.56 caliber upper receiver assemblies to the United Arab Emirates for incorporation into complete automatic rifles for resale to government entities within the United Arab Emirates.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–067.

October 23, 2015

Honorable Joseph R. Biden, Jr.,
President of the Senate.

Dear Mr. President: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Australia to support the manufacture of weapon adapters for the Joint Strike Fighter, F–35 Lightning II Aircraft.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–012.

November 10, 2015

Honorable Paul Ryan, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Saudi Arabia to support the integration, installation, operation, training, testing, maintenance, and repair of the Patriot Air Defense System (Configuration 3), to include upgrade to the Patriot Guidance Enhanced Missile-Tactical (GEM–T). This program is referred to as the "Saudi Arabian New Additional Patriot (SNAP)" program.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–080.

November 10, 2015

Honorable Paul Ryan, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms parts and components abroad controlled under Category I of the United States Munitions List in amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of 5.56x45 NATO caliber rifles, M203 40mm grenade launchers, and accessories to the Ministry of Interior of Tunisia for national defense and training purposes.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–071.

November 10, 2015

Honorable Paul Ryan, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Japan for the Upgrade of the E–767 Airborne Warning and Control System (AWACS) Block 30/35-based Mission System to a new Block 40/45-based Mission System for end-use by the Japan Air Self-Defense Force.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–063.

November 10, 2015

Honorable Paul Ryan, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification authorizes the export of defense articles, defense services, and technical data to support the manufacture in Germany of the Counter-Battery Radar (COBRA) Antenna Subsystem for sale abroad.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal NO. DDTC 15–054.

November 10, 2015

Honorable Paul Ryan, *Speaker of the House of Representatives.*

Dear Mr. President: Pursuant to Sections 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Canada, the United Kingdom, and France for the manufacture of F/A–18A–F and Derivative Aircraft Landing Gear Assemblies, Sub-Assemblies, Parts, and Components.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–053.

November 10, 2015

Honorable Paul Ryan, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $14,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Saudi Arabia to support the user interface development, delivery, integration, installation, fielding, training, testing, maintenance, and operational support of the Advanced Field Artillery Tactical Data System (AFATDS) and auxiliary systems in support for the Artillery Fire Management, Command, Control, and Communications AFATDS System (AFMC3AS).

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–018.

November 13, 2015

Honorable Paul Ryan, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a license for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services necessary for the assembly and integration of ordinance products that include 30/40mm Bushmaster Automatic Cannon onto Light Armored Vehicles for the Government of Saudi Arabia.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–085.

November 13, 2015

Honorable Paul Ryan, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Sections 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, defense services in the amount of $14,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Qatar for the procurement of an additional four (4) C–17A Globemaster III transport aircraft including associated spares, support equipment, and aircrew and maintenance training.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–089.

November 13, 2015

Honorable Paul Ryan, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of 25,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Denmark to support the integration, installation, operation, training, testing, maintenance, and repair of the Small Diameter Bomb and Laser Small Diameter Bomb onto the F–16 aircraft.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–111.

November 24, 2015

Honorable Paul Ryan, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms parts and components abroad controlled under Category I of the United States Munitions List in amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of 5.5x45 NATO caliber rifles, 5.56 Silencers, and accessories to the Government of Indonesia.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–092.

November 24, 2015

Honorable Paul Ryan, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms, parts, and components abroad controlled under Category I of the United States Munitions List in amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of 9mm semi-automatic pistols and accessories to the Government of Tunisia.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–060.

November 24, 2015

Honorable Paul Ryan, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to South Korea, Malaysia, Egypt, Thailand, and Australia to support the integration, installation, operation, training, testing, maintenance, and repair of navigation products for use in K9, K55, and Wheeled 105 Self Propelled Howitzers.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–049.

November 25, 2015

Honorable Paul Ryan, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms parts and components abroad controlled under Category I of the United States Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of .308, .338, and .50 caliber barrel blanks to Canada for research and development.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–106.

December 14, 2015

Honorable Paul Ryan, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms, parts and components abroad controlled under Category I of the United States Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of 7.62 x 51mm M134 Weapon Systems to the Government of Indonesia.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–117.

December 16, 2015

Honorable Paul Ryan, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Taiwan for the design, development, and procurement of the mine countermeasures Combat Management System and Interior and Exterior Communications Systems for the Taiwan Ministry of National Defense Mine Countermeasures Vessel program.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–024.

December 18, 2015

Honorable Joseph R. Biden, Jr., *President of the Senate.*

Dear Mr. President: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearm, parts and components abroad controlled under Category I of the United States Munitions List in amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of 9mm semi-automatic pistols and accessories for the Government of Iraq.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield,
Assistant Secretary Legislative Affairs.
Enclosure: Transmittal No. DDTC 14–154.

December 18, 2015

Honorable Paul Ryan, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearm, parts and components abroad controlled under Category I of the United States Munitions List in amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of 7,500 9mm caliber pistols and accessories to the Government of Cote D' Ivoire.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield,
Assistant Secretary Legislative Affairs.
Enclosure: Transmittal No. DDTC 15–084.

December 18, 2015

Honorable Paul Ryan, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a license for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the Government of Saudi Arabia, related to 30/40mm medium caliber ammunition.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield,
Assistant Secretary Legislative Affairs.
Enclosure: Transmittal No. DDTC 15–087.

December 18, 2015

Honorable Joseph R. Biden, Jr., *President of the Senate.*

Dear Mr. President: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, to include technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the transfer of defense articles, to include technical data, and defense services to support the Proton integration and launch of the Hispasat1F and Amazonas Commercial Communication Satellites from Baikonur Cosmodrome in Kazakhstan.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield,
Assistant Secretary Legislative Affairs.
Enclosure: Transmittal No. DDTC 15–104.

December 18, 2015

Honorable Joseph R. Biden, Jr., *President of the Senate.*

Dear Mr. President: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting certification of a proposed license for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the transfer of technical data, manufacturing know-how, and defense services to Japan to support the manufacture, integration, installation, operation, training, testing, maintenance, and repair of the AN/APX–72 Identification Friend or Foe (IFF) Transponder for integration into the Japanese Ministry of Defense aircraft.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield,
Assistant Secretary Legislative Affairs.
Enclosure: Transmittal No. DDTC 15–112.

December 21, 2015

Honorable Paul Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to India for the procurement of 15 CH–47F(I) Chinook helicopters including associated spares, components, parts, accessories and support equipment.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield,
Assistant Secretary Legislative Affairs.
Enclosure: Transmittal No. DDTC 15–114.

December 21, 2015

Honorable Paul Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to India for the procurement of twenty-two (22) AH–64E Apache helicopters including associated spares, components, parts, accessories and support equipment.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield,
Assistant Secretary Legislative Affairs.
Enclosure: Transmittal No. DDTC 15–115.

Dated: April 5, 2016.

Lisa V. Aguirre,
Managing Director, Directorate of Defense Trade Controls, U.S. Department of State.

[FR Doc. 2016–08236 Filed 4–8–16; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2016–0007]

Proposed Third Renewed Memorandum of Understanding (MOU) Revision Assigning Certain Federal Environmental Responsibilities to the State of California, Including National Environmental Policy Act (NEPA) Authority for Certain Categorical Exclusions (CEs)

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed renewed MOU, request for comments.

SUMMARY: The FHWA and the State of California acting by and through its Department of Transportation (Caltrans), propose a renewal of the State's participation in the 23 U.S.C. 326 program. This program allows FHWA to assign to States its authority and responsibility for determining whether certain designated activities within the geographic boundaries of the State, as specified in the proposed Memorandum of Understanding (MOU), are categorically excluded from preparation of an Environmental Assessment or an Environmental Impact Statement under the National Environmental Policy Act. An amended MOU would renew the State's participation in the program. The MOU will be amended by incorporating the following change: FHWA may terminate the State's participation in this program if FHWA provides the State a notification of non-compliance, and a period of not less than 120 days to take corrective action as FHWA determines necessary, and if the State fails to take satisfactory corrective action as determined by FHWA.

DATES: Comments must be received on or before May 11, 2016.

ADDRESSES: You may submit comments by any of the methods described below. To ensure that you do not duplicate your submissions, please submit them by only one of the means below. Electronic or facsimile comments are preferred because Federal offices experience intermittent mail delays due to security screening.

Federal eRulemaking Portal: Go to Web site: *http://www.regulations.gov/.* Follow the instructions for submitting comments on the DOT electronic docket site (FHWA–2016–0007).

Facsimile (Fax): 1–202–493–2251.

Mail: Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590.

Hand Delivery: 1200 New Jersey Avenue SE., Washington, DC 20590 between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.

For access to the docket to view a complete copy of the proposed MOU, or to read background documents or comments received, go to *http://www.regulations.gov/* at any time or to 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except for Federal holidays.

Instructions: You must include the agency name and docket number at the beginning of your comments. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: For FHWA: Shawn Oliver; by email at *shawn.oliver@dot.gov* or by telephone at 916–498–5048. The FHWA California Division Office's normal business hours are 8 a.m. to 4:30 p.m. (Pacific Time), Monday-Friday, except for Federal holidays. For the State of California: Tammy Massengale; by email at *tammy.massengale@dot.ca.gov* or by telephone at 916–653–5157. State business hours are the same as above although State holidays may not completely coincide with Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users may reach the Office of the Federal Register's home page at: *http://www.archives.gov/* and the Government Printing Office's database: *http://www.fdsys.gov/.* An electronic version of the proposed MOU may be downloaded by accessing the DOT DMS docket, as described above, at *http://www.regulations.gov/.*

Background

Section 326 of Title 23 U.S. Code, creates a program that allows the Secretary of the DOT (Secretary) to assign, and a State to assume, responsibility for determining whether certain Federal highway projects are included within classes of action that are categorically excluded (CE) from requirements for Environmental Assessments or Environmental Impact Statements pursuant to the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.* In addition, this program allows the assignment of other environmental review requirements applicable to Federal highway projects. The Secretary delegated his authority to FHWA, which acts on behalf of the Secretary with respect to these matters. Through an amended Memorandum of Understanding (MOU), FHWA would renew California's participation in this program for a third time. The original MOU became effective on June 7, 2007, for an initial term of three (3) years. The first renewal followed on June 7, 2010, and the second renewal followed on June 7, 2013. The proposed third MOU renewal would supersede the second renewed MOU prior to its expiration date on June 7, 2016. Stipulation I(B) of the MOU describes the types of actions for which the State would assume project-level responsibility for determining whether the criteria for a CE are met. The FHWA would assign statewide decision-making responsibility for all activities within the categories listed in 23 CFR 771.117(c) and those listed as examples in 23 CFR 771.117(d), in addition to other CEs identified in associated Appendix A. In addition to the NEPA CE determination responsibilities, the MOU would assign to the State the following FHWA responsibilities for environmental review, consultation, or other related actions required under Federal laws and Executive Orders applicable to CE projects:

Air Quality

- Clean Air Act, 42 U.S.C. 7401–7671q. Determinations for project-level conformity if required for the project.

Noise

- Noise Control Act of 1972, 42 U.S.C. 4901–4918

- FHWA noise regulations at 23 CFR part 772

Wildlife

- Endangered Species Act of 1973, 16 U.S.C. 1531–1544
- Marine Mammal Protection Act, 16 U.S.C. 1361–1423h
- Anadromous Fish Conservation Act, 16 U.S.C. 757a–757f
- Fish and Wildlife Coordination Act, 16 U.S.C. 661–667d
- Migratory Bird Treaty Act, 16 U.S.C. 703–712
- Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801–1891d

Historic and Cultural Resources

- National Historic Preservation Act of 1966, as amended, 54 U.S.C. 300101 *et seq.*
- Archeological Resources Protection Act of 1979,16 U.S.C. 470aa–470mm
- Archeological and Historic Preservation Act, 16 U.S.C. 469–469c
- Native American Grave Protection and Repatriation Act, 25 U.S.C. 3001–3013; 18 U.S.C. 1170

Social and Economic Impacts

- American Indian Religious Freedom Act, 42 U.S.C. 1996
- Farmland Protection Policy Act, 7 U.S.C. 4201–4209

Water Resources and Wetlands

- Clean Water Act, 33 U.S.C. 1251–1387: (Sections 319, 401, and 404)
- Coastal Barrier Resources Act, 16 U.S.C. 3501–3510
- Coastal Zone Management Act, 16 U.S.C. 1451–1466
- Safe Drinking Water Act, 42 U.S.C. 300f–300j–26
- Rivers and Harbors Act of 1899, 33 U.S.C. 403
- Wild and Scenic Rivers Act, 16 U.S.C. 1271–1287
- Emergency Wetlands Resources Act, 16 U.S.C. 3901 and 3921
- Wetlands Mitigation 23 U.S.C. 119(g) and 133(b)(14)
- FHWA wetland and natural habitat mitigation regulations at 23 CFR part 777
- Flood Disaster Protection Act, 42 U.S.C. 4001–4130

Parklands and Other Special Land Uses

- Section 4(f), 23 U.S.C. 138 and 49 U.S.C. 303
- FHWA/FTA Section 4(f) Regulations at 23 CFR part 774
- Land and Water Conservation Fund, 16 U.S.C. 460l–4–460l–11

Hazardous Materials

- Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601–9675
- Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. 9671–9675
- Resource Conservation and Recovery Act, 42 U.S.C. 6901–6992k

Executive Orders Relating to Highway Projects

- E.O. 11990—Protection of Wetlands
- E.O. 11988—Floodplain Management, as amended by E.O. 13690—Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input
- E.O. 12898—Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations
- E.O. 13112—Invasive Species

FHWA-Specific

- Planning and Environmental Linkages, 23 U.S.C. 168, with the exception of those FHWA responsibilities associated with 23 U.S.C. 134 and 135.
- Programmatic Mitigation Plans, 23 U.S.C. 169 with the exception of those FHWA responsibilities associated with 23 U.S.C. 134 and 135.

The MOU allows the State to act in the place of FHWA in carrying out the functions described above, except with respect to government-to-government consultations with federally recognized Indian tribes. The FHWA will retain responsibility for conducting formal government-to-government consultation with federally recognized Indian tribes, which is required under some of the above-listed laws and Executive Orders. The State may assist FHWA with formal consultations, with consent of a tribe, but FHWA remains responsible for the consultation.

This assignment includes transfer to the State of California the obligation to fulfill the assigned environmental responsibilities on any proposed project meeting the criteria in Stipulation I(B) of the MOU that were determined to be CEs prior to the effective date of the proposed MOU but that have not been completed as of the effective date of the MOU.

This is the proposed third renewal of the State's participation in the program and incorporates changes in the termination process from the Fixing America's Surface Transportation (FAST) Act, Public Law 114–94,129 Stat. 1312 (Dec. 4, 2015). Section 1307 of the FAST Act amended 23 U.S.C. 326 to allow FHWA to terminate the State's participation in this program if FHWA provides the State a notification of non-compliance and a period of not less than 120 days to take corrective action as FHWA determines necessary, and if the State fails to take satisfactory corrective action as determined by FHWA. In previous versions of the MOU the period for the State to take corrective action was 30 days.

The FHWA will consider the comments submitted on the proposed MOU when making its decision on whether to execute this renewal MOU. The FHWA will make the final, executed MOU publicly available.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 326; 42 U.S.C. 4331, 4332; 23 CFR 771.117; 49 CFR 1.85; 40 CFR 1507.3, 1508.4.

Mike Duman,

California Chief Operating Officer, Federal Highway Administration.

[FR Doc. 2016–08242 Filed 4–8–16; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Modified Collector Street in California; Statute of Limitations on Claims

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review of actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327.

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans that are final within the meaning of 23 U.S.C. 139(*l*)(1). The actions relate to the proposed extension of Century Boulevard from Grape Street to Alameda Street within the City of Los Angeles in the County of Los Angeles, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the roadway project will be barred unless the claim is filed on or before September 8, 2016. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Mine Struhl, Branch Chief, Environmental Planning Division, California Department of Transportation—District 7, 100 South Main Street, Los Angeles, California, 8 a.m. to 5 p.m., 213–897–5446, *mine.struhl@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans, have taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following Century Boulevard extension project in the State of California: Caltrans proposes to extend Century Boulevard from Grape Street eastward, curving around the new central park to connect with Tweedy Boulevard, where it crosses the Alameda corridor. The proposed street will be approximately half a mile long, 74 feet to 86 feet wide, and will have adequate width space to accommodate buses. The Federal Project Identification Number associated with the project is CML–5006(810). The purpose of the project is to create a multimodal roadway that extends Century Boulevard between Alameda Street and Grape Street, where currently no streets, bike lanes, sidewalks, or pedestrian enhancements exist. Century Boulevard between Grape Street and Alameda Street will be reclassified from a Major Highway Class II Arterial Street to a Modified Collector Street. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) with Finding of No Significant Impact (FONSI) for the project, approved on February 5, 2016, and in other documents in the FHWA project records. The EA/FONSI and other project records are available by contacting Caltrans at the address provided above. The EA/FONSI can be viewed and downloaded from the project Web site at *http://www.dot.ca.gov/dist07/resources/envdocs/.* This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. Council on Environmental Quality regulations;
2. National Environmental Policy Act (NEPA);
3. Moving Ahead for Progress in the 21st Century Act (MAP–21);
4. Department of Transportation Act of 1966;
5. Federal Aid Highway Act of 1970;
6. Clean Air Act Amendments of 1990;
7. Noise Control Act of 1970;
8. 23 CFR part 772 FHWA Noise Standards, Policies and Procedures;
9. Department of Transportation Act of 1966, Section 4(f);
10. Clean Water Act of 1977 and 1987;
11. Endangered Species Act of 1973;
12. Migratory Bird Treaty Act;
13. National Historic Preservation Act of 1966, as amended;
14. Historic Sites Act of 1935; and,
15. Executive Order 13112, Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(*l*)(1).

Omar A. Elkassed,

Senior Transportation Planner, Federal Highway Administration, California Division.

[FR Doc. 2016–08243 Filed 4–8–16; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2016–0118]

Commercial Driver's License: Missouri Department of Revenue (DOR); Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that it has received an application from the Missouri DOR for a limited exemption from the Agency's commercial driver's license (CDL) regulations. These regulations allow a State to waive the CDL skills test for applicants regularly employed or previously employed within the last 90 days in a military position requiring operation of a commercial motor vehicle (CMV). The Missouri DOR proposes that it be allowed to extend the 90-day timeline to one year following the driver's separation from military service. The Missouri DOR believes the 90-day timeframe is too short to take advantage of the waiver for many of the qualified discharged veterans reentering and settling into civilian life. FMCSA requests public comment on this application for exemption. In addition, because the issues concerning the Missouri request could be applicable in each of the States, FMCSA requests public comment whether the exemption, if granted, should cover all State Driver's Licensing Agencies (SDLAs).

DATES: Comments must be received on or before May 11, 2016.

ADDRESSES: You may submit comments identified by Federal Docket Management System Number FMCSA–2016–0118 by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* See the *Public Participation and Request for Comments* section below for further information.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: For information concerning this notice, contact Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle

Safety Standards; Telephone: 202–366–2718. Email: *MCPSD@dot.gov*. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2016–0118), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *www.regulations.gov* and put the docket number, "FMCSA–2016–0118" in the "Keyword" box, and click "Search." When the new screen appears, click on "Comment Now!" button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may grant or not grant this application based on your comments.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Request for Exemption

The Missouri DOR requests an exemption from 49 CFR 383.77(b)(1), which allows States to waive the skills test described in § 383.113 for applicants regularly employed or previously employed within the last 90 days in a military position requiring operation of a CMV. The Missouri DOR proposes that it be allowed to extend the 90-day timeline to one year following the driver's separation from military service.

The Missouri DOR contends that the 90-day timeframe is too short for many of the qualified veterans to utilize while reentering civilian life. They state that the Department has utilized the military waiver program for years and one of the most common reasons the applicant is not eligible is because the application is beyond the 90-day timeframe. Furthermore, the industry need for new drivers is continually growing each year and providing additional flexibility in § 383.77(b)(1) will help offset that need by transitioning fully-trained military veterans into civilian employment. They further state that it is their goal to assure highway safety by licensing qualified veterans seeking employment following discharge. A more accessible waiver period would assist in meeting this goal and provide an opportunity to veterans.

FMCSA has previously determined that extending the 90-day skills test waiver period to one year following the driver's separation from military service would maintain a level of safety equivalent to, or greater than, the level achieved without the exemption (49 CFR 381.305(a)). An exemption extending the 90-day skills test waiver period to one year was granted to the Commonwealth of Virginia, Department of Motor Vehicles (Virginia DMV) on July 8, 2014 (79 FR 38645). This exemption is in effect through July 8, 2016, and is applicable to all State driver licensing agencies (SDLAs).

On March 16, 2016, FMCSA published a notice of proposed rulemaking (NPRM) and request for comments entitled "Commercial Driver's License Requirements of the Moving Ahead for Progress in the 21st Century Act and the Military Commercial Driver's License Act of 2012" (81 FR 14052). This proposed rulemaking would extend the time period for applying for a skills test waiver from 90 days to one year after leaving a military position requiring the operation of a CMV for *all* States. The comment period on this notice closes on May 16, 2016. This proposed rulemaking will not be finalized by July 8, 2016, which is the Virginia DMV exemption expiration date. Therefore, to avoid a potential gap, today's publication of the Missouri DOR exemption request and request for comments to extend the 90-day timeframe to one year, is necessary.

In addition, because the issues concerning the Missouri DOR request could be applicable in each of the States, FMCSA requests public comment on whether the exemption, if granted, should cover all State Driver's Licensing Agencies (SDLAs).

A copy of the Missouri DOR's application for exemption is available for review in the docket for this notice.

IV. Method To Ensure an Equivalent or Greater Level of Safety

The FMCSA does not believe that the veterans' driving skills would decrease during the additional 9 months in which this exemption allows them to apply for a waiver of the CDL skills test. This exemption only extends the period during which application for the skills test waiver may be made, and does not revise any other provisions of the regulations. FMCSA determined that the exemption would maintain a level of safety equivalent to, or greater than, the level achieved without the exemption (49 CFR 381.305(a)).

Issued on: April 4, 2016.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2016–08208 Filed 4–8–16; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TREASURY

Internal Revenue Service

Electronic Tax Administration Advisory Committee (ETAAC); Nominations

AGENCY: Internal Revenue Service, Department of Treasury.

ACTION: Request for nominations.

SUMMARY: The Internal Revenue Service (IRS) requests applications of individuals to be considered for selection as members of the Electronic Tax Administration Advisory Committee (ETAAC). Nominations should describe and document the proposed member's qualification for ETAAC membership, including the applicant's knowledge of regulations and the applicant's past or current affiliations and dealings with the particular tax segment or segments of the community that the applicant wishes to represent on the council. Applications will be accepted for current vacancies from qualified individuals and from professional and public interest groups that wish to have representation on ETAAC. Submissions must include an application and resume.

ETAAC provides continuing input into the development and implementation of the IRS organizational strategy for electronic tax administration. The ETAAC will provide an organized public forum for discussion of electronic tax administration issues such as prevention of identity theft and refund fraud in support of the overriding goal that paperless filing should be the preferred and most convenient method of filing tax and information returns. The ETAAC members will convey the public's perceptions of IRS electronic tax administration activities, offer constructive observations about current or proposed policies, programs and procedures, and suggest improvements.

The IRS seeks a diverse group of individuals with experience in: Cybersecurity and information security, tax software development, tax preparation, payroll and tax financial product processing, systems management and improvement, implementation of customer service initiatives, consumer advocacy and public administration.

This is a volunteer position and members will serve a three-year term on the ETAAC to allow for a rotation in membership which ensures that different perspectives are represented. Travel expenses within government guidelines will be reimbursed. In accordance with Department of Treasury Directive 21–03, a clearance process including fingerprints, annual tax checks, a Federal Bureau of Investigation criminal check and a practitioner check with the Office of Professional Responsibility will be conducted.

DATES: Written nominations must be received on or before May 11, 2016.

ADDRESSES: Nominations should be sent to: Michael Deneroff, IRS National Public Liaison, CL:NPL:SRM, Room 7559, 1111 Constitution Avenue NW., Washington, DC 20224, Attn: ETAAC Nominations. Applications may also be submitted via fax to 855–811–8020 or via email at *PublicLiaison@irs.gov*. Application packages are available on the IRS Web site at *http://www.irs.gov/for-tax-pros*. Application packages may also be requested by telephone from National Public Liaison, 202–317–6851 (not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Michael Deneroff at (202) 317–6851, or send an email to *publicliaison@irs.gov*.

SUPPLEMENTARY INFORMATION: The establishment and operation of the Electronic Tax Administration Advisory Committee (ETAAC) is required by the Internal Revenue Service (IRS) Restructuring and Reform Act of 1998 (RRA 98), Title II, Section 2001(b)(2). ETAAC follows a charter in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. The ETAAC provides continued input into the development and implementation of the IRS's strategy for electronic tax administration. The ETAAC will research, analyze, consider, and make recommendations on a wide range of electronic tax administration issues and will provide input into the development of the strategic plan for electronic tax administration. Members will provide an annual report to Congress by June 30th.

Applicants must complete the application form, which includes describing and documenting the applicant's qualifications for ETAAC membership. Applicants must submit a short one- or two-page statement including recent examples of specific skills and qualifications as they relate to: cybersecurity and information security, tax software development, tax preparation, payroll and tax financial product processing, systems management and improvement, implementation of customer service initiatives, consumer advocacy and public administration. Examples of skill in critical thinking, strategic planning and oral and written communication are desirable.

An acknowledgement of receipt will be sent to all applicants.

Equal opportunity practices will be followed in all appointments to the ETAAC in accordance with Department of Treasury and IRS policies. The IRS has a special interest in assuring that women and men, members of all races and national origins, and individuals with disabilities have an opportunity to serve on advisory committees. Therefore, IRS extends particular encouragement to nominations from such appropriately qualified individuals.

Dated: April 6, 2016.

Michael Deneroff,

Acting Designated Federal Official, National Public Liaison.

[FR Doc. 2016–08240 Filed 4–8–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Comment Request for the Financial Literacy and Education Commission on the Draft National Strategy Update, Entitled Promoting Financial Success: National Strategy for Financial Literacy Update

AGENCY: Department of the Treasury.

ACTION: Request for comment.

SUMMARY: In 2003, Congress established the Financial Literacy and Education Commission (FLEC, or the Commission) through passage of the Financial Literacy and Education Improvement Act under Title V of the Fair and Accurate Credit Transactions Act of 2003. Congress designated the Department of the Treasury's Office of Financial Education to lend its expertise and provide primary support to the Commission, which is chaired by the Secretary of the Treasury. As directed by the Dodd-Frank Wall Street Reform and Consumer Protection Act, which created the Bureau of Consumer Financial Protection (CFPB), the Director of the CFPB serves as the vice chair of the Commission. Congress charged the Commission to "improve the financial literacy and education of persons in the United States through development of a national strategy to promote financial literacy and education." In 2011, the Commission released a national strategy entitled *Promoting Financial Success in the United States: National Strategy for Financial Literacy*. Additionally, the Commission hosts a national financial education Web site, MyMoney.gov, which provides Federal educational

resources and the Commission's Research and Data Clearinghouse. The Commission is now planning to update to the national strategy to reflect changes within the last five years. On behalf of the Commission, the Department of the Treasury invites the public to comment on the *Promoting Financial Success for All: National Strategy (National Strategy) Update.* This update will be created by adding new text and edits to the original 2011 National Strategy, which can be found at *https://www.treasury.gov/resource-center/financial-education/Documents/NationalStrategyBook_12310%20(2).pdf.*

DATES: Comments should be received May 11, 2016 to be assured consideration.

ADDRESSES: Written comments should be sent via email to *OFE@treasury.gov* or to the Department of the Treasury, Office of Financial Education, 1500 Pennsylvania Avenue NW., Washington, DC 20220. All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should only submit information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: For additional information, contact Louisa Quittman by email at *OFE@treasury.gov.* Additional information regarding the Financial Literacy and Education Commission and the Department of the Treasury's Office of Financial Education may be obtained through the Office of Financial Education's Web site at: *https://www.treasury.gov/resource-center/financial-education/Pages/commission-index.aspx.*

SUPPLEMENTARY INFORMATION: In 2012, FLEC adopted a strategic focus on "Starting Early for Financial Success," as an approach to implement the *National Strategy.* This focus recognizes that in today's economy, it is essential for Americans to develop the financial capability to navigate complex financial systems and to start that process early in their financial lives. The Commission is committed to advancing the *National Strategy's* four goals: (1) Increase Awareness of and Access to Financial Education; (2) Determine and Integrate Core Financial Competencies; (3) Strengthen the Provision of Financial Education; and (4) Identify and Share Effective Practices.

How to Comment: Please view the *National Strategy Update* outline below and respond to the following questions on or before May 11, 2016 to the following address: *OFE@treasury.gov.* or to the Department of the Treasury, Office of Financial Education, 1500 Pennsylvania Avenue NW., Washington, DC 20220. All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should only submit information that you wish to make publicly available.

From your or your organization's perspective,

(1) Does the outlined *Update* reflect current research findings and practice regarding financial education, capability and financial well-being?

(2) Are there other elements that should be included in the *Update*?

(3) Do you have any other comments regarding the *National Strategy Update*?

The outline for the *National Strategy Update* is as follows:

I. Introduction

The introduction will describe the role and importance of a *National Strategy* and briefly restate how the *National Strategy* was developed. It will discuss the purpose and intended audience for the update, and briefly describe the national and international context for the *National Strategy.* In 2012, FLEC adopted a strategic focus on "Starting Early for Financial Success," as an approach to implement the *National Strategy.* This focus recognizes that in today's economy, it is essential for Americans to develop the financial capability to navigate complex financial systems. The strategy will be updated to reflect the emphasis on "Starting Early for Financial Success."

II. Financial Education Today: Toward Capability and Well-Being

This section will address the following:

- Define what the FLEC means by financial literacy and education, as well as terms like financial capability and financial well-being, and how these concepts are related and inform the work of the Commission.
- Recap what is known about Americans' financial knowledge and capability, based on reliable sources of information.
- Summarize the factors of financial well-being and how children and youth develop the skills, attitudes and habits that lay the foundations for financial well-being later in life.
- Address how the creation of the Consumer Financial Protection Bureau (CFPB) has contributed to the efforts of the Commission.
- Highlight findings from recent research and discuss the emerging trends and effective practices in this field and the implication this research has for financial educators and those in related fields.

III. Vision Mission and Goals

This section restates the Mission and Vision of the Strategy and the key goals as laid out in the *National Strategy,* which will remain as follows:

Vision: Sustained financial well-being for all individuals and families in the United States

Mission: Set strategic direction for policy education, practice, research and coordination so that U.S. individuals and families make informed financial decisions.

Goal: Increase Awareness of and Access to Effective Financial Education—This goal focuses on ensuring individuals and families are aware of the importance of financial literacy and have access to financial education resources.

Goal: Determine and Integrate Core Financial Competencies—This goal focuses on determining the personal finance knowledge and skills that individuals and families need to employ at various life stages and for particular life events to make informed financial decisions. It also addresses integrating these competencies into effective resources and programs.

Goal: Improve Financial Education Infrastructure—This goal focuses on the need to develop guidelines on content, training, and delivery channels for financial literacy and education providers and to promote opportunities for partnerships and information sharing.

Goal: Identify, Enhance, and Share Effective Practices—This goal focuses on the need to support research and evaluation to identify effective programs and practices. It encourages the implementation and production of evidence-based programs and practices for individuals and organizations.

IV. Accomplishments and Next Steps

Through its strategic focus on "Starting Early for Financial Success," the Commission has demonstrated substantial progress in coordinating activities to improve the financial education available for Americans to improve their financial capability toward financial well-being. This section will highlight the Commission's activities in advancing each of the *National Strategy* goals, through Starting Early for Financial Success, and discuss how the work and collaborations by the Commission's members respond to the state of financial education today, and advance financial capability and well-being. It will also include findings from relevant research and trends in financial education, financial capability and related fields.

V. Bibliography and Resources

This section will provide a brief bibliography and list of key resources.

Dated: April 5, 2016.

David R. Pearl,

Executive Secretary.

[FR Doc. 2016–08227 Filed 4–8–16; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS

MyVA Federal Advisory Committee; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2., that the MyVA Advisory Committee (MVAC) will meet May 11–12, 2016, at the Booz Allen Hamilton, 901 15th Street NW., Washington, DC 20005. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary, through the Executive Director, MyVA Task Force Office regarding the My VA initiative and VA's ability to rebuild trust with Veterans and other stakeholders, improve service delivery with a focus on Veteran outcomes, and set the course for longer-term excellence and reform of VA.

On May 11, from 8:00 a.m. to 5:15 p.m., the Committee will meet to discuss the progress on, and the integration of, the work in the five key MyVA work streams—Veteran Experience (explaining the efforts conducted to improve the Veteran's experience), Employees Experience, Support Services Excellence (such as information technology, human resources, and finance), Performance Improvement (projects undertaken to date and those upcoming), and VA Strategic Partnerships.

On May 12 from 8:00 a.m. to 12:30 p.m., the Committee will meet to discuss and recommend areas for improvement on VA's work to date, plans for the future, and integration of the MyVA efforts. This session is open to the public. Approximately 15 minutes will be allotted for oral presentations from the public; all other comments should be submitted in writing. However, the public may submit written statements for the Committee's review to Debra Walker, Designated Federal Officer, MyVA Program Management Office, Department of Veterans Affairs, 1800 G Street NW., Room 880–40, Washington, DC 20420, or email at *Debra.Walker3@va.gov.* Any member of the public wishing to attend the meeting or seeking additional information should contact Ms. Walker.

Anyone attending must be prepared to show a valid photo ID. Please allow a minimum of 15 minutes before the meeting begins for this process.

Dated: April 6, 2016.

Jelessa Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2016–08258 Filed 4–8–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Women Veterans; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2., that the Advisory Committee on Women Veterans will meet on May 17–19, 2016, Conference Room 930, at VA Central Office, 810 Vermont Avenue NW., Washington, DC, from 8:30 a.m. until 4:30 p.m. each day. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs regarding the needs of women Veterans with respect to health care, rehabilitation, compensation, outreach, and other programs and activities administered by VA designed to meet such needs. The Committee makes recommendations to the Secretary regarding such programs and activities.

The agenda will include: Briefings on the Federal Advisory Committee Act, ethics, iGIANT; eating and weight related disorders among women Veterans; updates on various VA initiatives; and Committee work on recommendations for the Committee's 2016 biennial report.

No time will be allocated at this meeting for receiving oral presentations from the public. Interested parties should provide written comments for review by the Committee to Ms. Shannon L. Middleton, VA Center for Women Veterans (00W), 810 Vermont Avenue NW., Washington, DC 20420, or email at *00W@mail.va.gov,* or fax to (202) 273–7092. Any member of the public who wishes to attend the meeting or wants additional information should contact Ms. Middleton at (202) 461–6193. Because the meeting will be in a Government building, anyone attending must be prepared to show a valid photo I.D. Please allow 15 minutes before the meeting begins for this process.

Dated: April 6, 2016.

Jelessa Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2016–08205 Filed 4–8–16; 8:45 am]

BILLING CODE P

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Federal Register

Vol. 81, No. 69

Monday, April 11, 2016

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